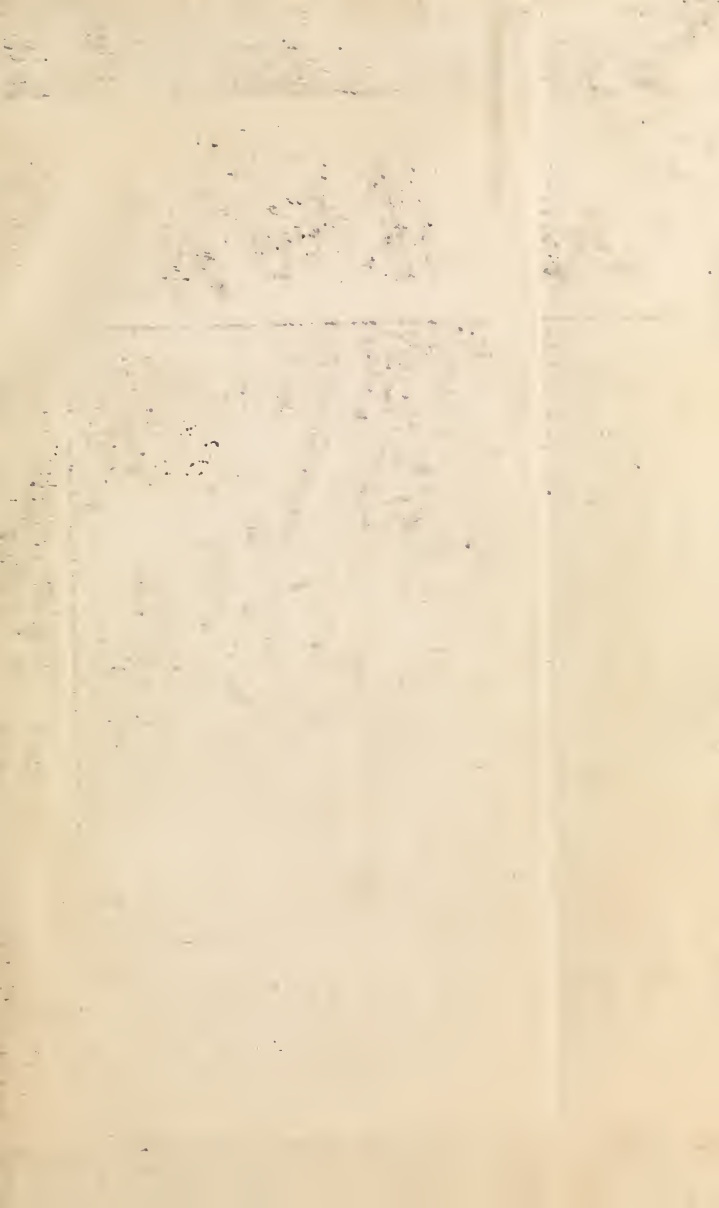




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JOURNAL  
OF THE  
INDIANA STATE SENATE,  
DURING THE  
THIRTY-EIGHTH SESSION  
OF THE  
GENERAL ASSEMBLY,  
COMMENCING  
JANUARY 4, 1855.

INDIANAPOLIS:  
AUSTIN H. BROWN, STATE PRINTER.  
1855.





# JOURNAL

## OF THE

# SENATE OF INDIANA.

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*The Thirty-Eighth Session of the General Assembly of the State of Indiana, begun and held at the Capitol in the city of Indianapolis, on Thursday, the fourth day of January, in the year of our Lord one thousand eight hundred and fifty-five.*

George L. Sites, Principal Secretary of the Senate, directed a call of the Senators whose offices had not become vacated since the last session : whereupon the following Senators appeared and took their seats :

*From the counties of Bartholomew and Jennings—John L. Spann.*

*From the counties of Cass, Howard and Pulaski—William C. Barnett.*

*From the counties of Delaware, Grant and Blackford—Isaac Vandevanter.*

*From the counties of De Kalb and Steuben—Alonzo W. Hendry.*

*From the counties of Dubois, Gibson and Pike—Wm. Hawthorn.*

*From the counties of St. Joseph, Marshall, Fulton and Starke—A. P. Richardson.*

*From the counties of Elkhart and Lagrange—Thomas G. Harris.*

*From the county of Fountain—Harris Reynolds.*

*From the counties of Fayette and Union—Minor Meeker.*

*From the counties of Hamilton, Boone and Tipton—N. J. Jackson.*

*From the county of Henry—William W. Williams.*

*From the county of Hendricks—John Witherow.*

*From the counties of Jackson and Scott—Meedy W. Shields.*

*From the county of Johnson—John W. Knightly.*

*From the counties of Laporte, Porter and Lake—Samuel J. Anthony.*

*From the county of Montgomery*—Swan Brookshire.  
*From the county of Marion*—Percy Hosbrook.  
*From the counties of Madison and Hancock*—Andrew Jackson. ✓  
*From the county of Putnam*—Lloyd Glazebrook.  
*From the counties of Randolph and Jay*—Theophilus Wilson.  
*From the county of Rush*—Jefferson Helm.  
*From the county of Ripley*—Luther Shook.  
*From the counties of Vigo, Sullivan and Clay*—Michael Combs. ✓  
*From the county of Washington*—Townsend Cutshaw.

The following Senators, elected since the last session of the General Assembly, appeared and produced their credentials, and were duly sworn, as required by the Constitution, by the Hon. A. P. Willard, President of the Senate.

*From the counties of Adams and Allen*—Samuel L. Rugg. ✓  
*From the counties of Brown and Monroe*—W. C. Tarkington. ✓  
*From the county of Clark*—Leroy Woods. ✓  
*From the counties of Carroll and Clinton*—James F. Suit. ✓  
*From the county of Dearborn*—Richard D. Slater. ✓  
*From the county of Floyd*—David Crane. ✓  
*From the county of Franklin*—A. McCleary. ✓  
*From the counties of Greene and Owen*—J. J. Alexander. ✓  
*From the county of Harrison*—John Mathes. ✓  
*From the counties of Huntington and Wells*—George McDowell. ✓  
*From the county of Jefferson*—John R. Cravens. ✓  
*From the counties of Knox, Daviess and Martin*—J. T. Freeland. ✓  
*From the county of Lawrence*—A. J. Hostetler. ✓  
*From the counties of Miami and Wabash*—Daniel R. Bearss. ✓  
*From the county of Morgan*—Algernon S. Griggs. ✓  
*From the counties of Noble, Kosciusko and Whitley*—John West-  
 ton. ✓  
*From the counties of Orange and Crawford*—William Mansfield. ✓  
*From the counties of Ohio and Switzerland*—P. S. Sage. ✓  
*From the counties of Perry, Spencer and Warrick*—W. B. Rich-  
 ardson. ✓  
*From the counties of Park and Vermillion*—S. T. Ensey. ✓  
*From the counties of Posey and Vanderburgh*—C. K. Drew. ✓  
*From the county of Shelby*—George W. Brown. ✓  
*From the county of Tippecanoe*—D. H. Crouse. ✓  
*From the county of Wayne*—Lewis Burke. ✓  
*From the counties of Warren, Benton, Jasper and White*—James  
 F. Parker. ✓

On motion by Mr. Spann,

The Senate proceeded to the election of Principal Secretary, by a viva voce vote.

*Those who voted for Solon Turman, were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Cutshaw, Drew, Glazebrook, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mathes, McCleary, McDowell, Mansfield, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shields, Shook, Slater, Spann, Tarkington—27.

*Those who voted for J. N. Lewis, were,*

Messrs. Bearss, Burke, Crane, Cravens, Crouse, Ensey, Freeland, Griggs, Harris, Helm, Hendry, Meeker, Parker, Sage, Suit, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—21.

Mr. Turman having received a majority of all the votes given, was thereupon declared duly elected Principal Secretary of the Senate, to serve as such during the present session.

Whereupon, Mr. Turman took the oath of office, and entered upon the discharge of his duties.

On motion by Mr. Tarkington,

The Senate proceeded to the election of Assistant Secretary, by a *viva voce* vote.

*Those who voted for Charles N. Shook, were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Cutshaw, Drew, Glazebrook, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mathes, McCleary, McDowell, Mansfield, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Shook, Slater, Spann and Tarkington—28.

*Those who voted for Solomon Maker, were,*

Messrs. Bearss, Burke, Crane, Cravens, Crouse, Ensey, Freeland, Griggs, Harris, Helm, Hendry, Meeker, Parker, Suit, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—20.

Mr. Shook having received a majority of all the votes given, was thereupon declared duly elected Assistant Secretary of the Senate, to serve as such during the present session.

Whereupon, Mr. Shook took the oath of office, and entered upon the discharge of his duties.

On motion by Mr. Brown,

The Senate proceeded to the election of Doorkeeper, by a *viva voce* vote.

*Those who voted for Charles G. Warner, were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Cutshaw, Drew, Glazebrook, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mathes, McCleary, McDowell, Mansfield, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shields, Shook, Slater, Spann and Tarkington—27.

*Those who voted for C. C. Jaqueth, were,*

Messrs. Bearss, Burke, Crane, Cravens, Crouse, Ensey, Freeland, Griggs, Harris, Helm, Hendry, Meeker, Parker, Sage, Suit, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—21.

Mr. Warner having received a majority of all the votes given, was thereupon declared duly elected Doorkeeper, to serve as such during the present session.

Whereupon, Mr. Warner came forward, took the oath of office and entered upon the discharge of his duties.

On motion by Mr. Brown,

*Resolved*, That the door-keeper be authorized to act as Sergeant-at-arms to this Senate.

On motion by Mr. Glazebrook,

*Resolved*, That the House of Representatives be informed that the Senate have convened, formed a quorum, elected Solon Turman principal secretary, Charles N. Shook, assistant secretary, and Charles G. Warner, door-keeper, and that they are now ready to proceed to legislative business.

On motion by Mr. Hawthorn,

*Resolved*, That the joint rules which were in force for the government of the General Assembly at its last session, be adopted by the Senate as the rules of joint action for the present session, and that the House of Representatives be informed of the adoption by the Senate of said joint rules, and their concurrence requested therein.

On motion by Mr. Spann,

*Resolved*, That the door-keeper be directed to procure and place on the desks of Senators, one copy each, of the journals of the last session of the Senate.

On motion by Mr. Hawthorn,

*Resolved*, That the door-keeper be directed to furnish at as early



a period as possible for the use of the Senate, one hundred and fifty copies of the standing rules and orders for the government of, and conducting business in the Senate.

On motion by Mr. Brookshire,

*Resolved*, That the door-keeper be requested to lay on the desks of each Senator, one copy of the acts of the last session.

A message from the House by Mr. Levering, their clerk.

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate, that the House have adopted the following resolution:

*Resolved*, That the Senate be informed that the House of Representatives have convened, formed a quorum, and elected David Kilgore, speaker; John Levering, principal clerk; John Coburn, assistant clerk; Butler Hubbard, principal doorkeeper; and Sylvanus Church, assistant doorkeeper; and are now ready to proceed to legislative business.

On motion by Mr. Brown,

The Senate adjourned, until 2 o'clock, P. M.

---

2 o'clock P. M.

The Senate met.

On motion by Mr. Spann,

*Resolved*, That a committee of two be appointed on the part of the Senate to act with a similar committee on the part of the House, to wait on his Excellency, the Governor, and ascertain at what time it will be convenient for him to make his annual communication to the present General Assembly, and that the House be informed of the adoption of this resolution;

Whereupon,

Messrs. Spann and Harris were appointed said committee, on the part of the Senate.

*Ordered*, that the Secretary inform the House thereof.

On motion by Mr. Brookshire,

*Resolved*, That we adopt the same rules and regulations for the government of the Senate, that was adopted for the government of the session of 1853, until other regulations be made.

On motion by Mr. Glazebrook,

*Resolved*, That the Door-keeper place upon each Senator's desk the Revised Statutes of 1852 and 3, at as early a time as practicable.

Mr. Hawthorn offered the following resolution :

*Resolved*, That the Secretary of the Senate be directed to wait upon the publishers of State Sentinel, Indiana Republican, State Journal, Volks Blat, and Locomotive, to ascertain the rates per copy of each number of the daily issues of the Sentinel, Republican, and Journal, and of the weekly issues of the Volks Blat and Locomotive, two of said copies to be enclosed in good wrappers, and one copy to be open, and that he report the rates, both including, and without postage, and also consult the Post Master of this city, and learn what arrangements can be made for transmission of both newspapers, and documents, by mail, from the members of this Senate.

Mr. Crane moved to amend the resolution by adding "Temperance Union."

Which was agreed to,

And the resolution, as amended, was adopted.

On motion by Mr. Hawthorn,

*Resolved*, That reporters of newspapers published within the city of Indianapolis, be entitled to seats within the bar of the Senate for the purpose of reporting its proceedings.

On motion by Mr. Tarkington,

*Resolved*, That the principal and assistant secretaries be required to employ a competent number of assistants.

Mr. Alexander offered the following resolution :

*Resolved*, That the Principal Doorkeeper of the Senate be authorized to appoint as many assistants as may be necessary not to exceed seven.

Mr. Hawthorn moved to amend the resolution by adding, "That the Doorkeeper give the name of each of his assistants."

The question being on the adoption of the amendment, upon which,

The ayes and noes were demanded by two Senators.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Crouse, Cutshaw, Drew, Glazebrook, Harris, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mathes, McDowell, Mansfield, Reynolds, Richardson of Spencer, Rugg, Shields, Shook, Slater, Spann, Tarkington and Wilson—27.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Combs, Crane, Cravens, Ensey, Freeland, Griggs, Hawthorn, Hendry, McCleary, Meeker, Parker, Richardson of St. Joseph, Sage, Suit, Vandevanter, Weston, Williams, Withelrow and Woods—21.

So the amendment was agreed to, and the resolution as amended was adopted.

On motion by Mr. Anthony,

The following message from the House was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate, that the House have passed the following resolution:

*Resolved*, That a committee of two be appointed by this House, to act with a similar committee on the part of the Senate, to wait upon his Excellency, the Governor, and learn from him when he will make his usual communication to this General Assembly, and that the Senate be informed of the adoption of this resolution.

Messrs. Humphreys and Schryock were appointed on the part of the House.

The resolution contained in the foregoing message was concurred in.

And Messrs. Spann and Harris were appointed said committee on part of the Senate.

*Ordered*, That the Secretary inform the House thereof.

Mr. Tarkington offered the following resolution:

*Resolved*, That the President appoint a committee of three to solicit some minister of the Gospel to open the Senate with prayer, on Saturday morning next, on convening of the Senate.

Mr. Crane moved to amend the resolution by adding, "That some clergyman in this city be requested to open the Senate with prayer every morning during the session."

Which was disagreed to.

The resolution was then adopted; and,

Messrs. Tarkington, Rugg and Woods were appointed said committee.

Mr. Helm offered the following resolution :

*Resolved*, That the House of Representatives concurring, we will on Monday next at 10 o'clock, A. M., proceed to the election of a United States Senator.

Which was not agreed to.

Mr. Griggs offered the following resolution :

*Resolved*, That the Senate, the House concurring, will go into an election for a United States Senator on Wednesday next.

Which was not agreed to.

Mr. Williams offered the following resolution,

*Resolved*, That the Senate, the House concurring, will go into an election for United States Senator, on Tuesday next,

When,

On motion by Mr. Spann,

The resolution was laid on the table.

A message from the House of Representatives, by Mr. Levering, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives, to inform the Senate, that the House has passed the following resolution :

*Resolved*, That a committee of two on the part of this House be appointed, to act in conjunction with a similar committee on the part of the Senate, to wait on the Rev. John L. Smith, and request him to attend in this Hall on to-morrow morning at 9 o'clock A. M. to open the session of the General Assembly with prayer, and that the Senate be invited to attend and that seats be provided for them within the bar of the House,

And that Messrs. Meredith and Hargrove were appointed said committee on the part of the House.

The resolution contained in the foregoing message was concurred in, And Messrs. Woods and Ensey appointed said committee on the part of the Senate.

*Ordered*, that the Secretary inform the House thereof.

Mr. Spann, from a select committee, made the following report :

MR. PRESIDENT:

The select committee appointed to act with a similar committee on the part of the House to wait upon his Excellency, the Governor, and learn from him when it would be his pleasure to deliver his usual communication to the General Assembly, have performed that service, and have directed the committee to say that he will make his communication on to-morrow, at 2 o'clock.

On motion by Mr. Hosbrook

The Senate adjourned until to-morrow morning at 9 o'clock.

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FRIDAY MORNING, 9 O'CLOCK, }  
January 5th, 1855. }

The Senate met.

The journal of the preceding day was read.

The President laid before the Senate the following order of business:

### ORDER OF BUSINESS.

- I. Reading of the Journal.
- II. Petitions, Memorials and Remonstrances.
- III. Reports from Standing Committees.
  - 1st. On Elections.
  - 2d. On Finance.
  - 3d. On the Judiciary.
  - 4th. On Organization of Courts.
  - 5th. On Federal Relations.
  - 6th. On Education.
  - 7th. On Corporations.
  - 8th. On Military Affairs.
  - 9th. On Roads.
  - 10th. On Canals and Internal Improvements.
  - 11th. On the Affairs of the Town of Indianapolis.
  - 12th. On Claims.
  - 13th. On the State Prison.



- 14th. On Public Expenditures.
- 15th. On Banks.
- 16th. On Manufactures.
- 17th. On Agriculture.
- 18th. On Unfinished Business.
- 19th. On Benevolent Institutions of the State.
- 20th. On Swamp Lands.
- 21st. On Temperance.
- 22d. On County and Township Business.
- 23d. On Phraseology and Arrangement of Bills.
- 24th. On Printing.
- 25th. On Enrolled Bills.

#### IV. Joint Committees.

- 1st. On Public Buildings.
- 2d. On State Library.
- 3d. On Canal Fund.

#### V. Reports from Select Committees.

#### VI. Resolutions of the Senate.

#### VII. Joint Resolutions.

#### VIII. Bills.

#### IX. Orders of the Day.

### RESOLUTIONS.

On motion by Mr. Hendry,

*Resolved*, That the Door-keeper of the Senate be required at as early a day as possible, to lay on the desks of the Senators a copy of the rules adopted for the government of the Senate at its last session.

On motion by Mr. Spann,

*Resolved*, That the Secretary of the Senate be directed to request copies of the decisions of the Supreme Court in cases where portions of the school law have been decided to be unconstitutional. Also the decisions of the same Court in relation to the unconstitutionality of the consolidation of the 16th Section, or township fund—also the law regulating the sale of intoxicating liquors, and that copies of those decisions be ordered to be printed for the use of the Senate.

When.

On motion by Mr. Hawthorn,

The blank contained in the foregoing resolution, was filled by the number "one hundred."

On motion by Mr. Rugg,

*Resolved*, That a committee of one from each Congressional District, be raised, on the subject of Districting the State into Representative and Senatorial Districts, to report by bill or otherwise.

The President laid before the Senate the following communication from the Secretary of State :

OFFICE OF SECRETARY OF STATE. }  
Indianapolis, Jan. 5th, 1855. }

HON. A. P. WILLARD,

*President of the Senate.*

SIR: Please lay before the body over which you preside, the enclosed papers, contesting the seat of the Hon. George W. McDowell, Senator from the District composed of the counties of Huntington and Wells.

I am with great respect,

Your ob't serv't,

N. HAYDEN,

*Secretary of State.*

Mr. Cravens offered the following resolutions :

*Resolved*, That George McDowell, having presented the certificate of election, and being sworn in as Senator from the counties of Huntington and Wells, not having been duly elected, is hereby ousted of his seat as such Senator.

*Resolved*, That George W. Chapman, who claims to be the Senator from the counties of Huntington and Wells, having been duly elected a Senator from said counties at the last October election, is legally entitled to be sworn in as a member of this body.

Mr. Anthony moved to lay the resolutions on the table.

The ayes and noes were demanded by Senators Bearss and Harris.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Combs, Cutshaw, Drew, Glazebrook, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mathes, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Shook, Slater, Spann, Tarkington and Woods—29.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Crane, Cravens, Crouse, Ensey, Freeland, Griggs, Harris, Helm, Hendry, Meeker, Parker, Suit, Vandevanter, Weston, Williams, Wilson and Witherow—19.

So the resolutions were laid on the table.

Mr. Cravens moved to refer the papers, depositions, &c., connected with the subject of the foregoing resolutions to a select committee.

Mr. Anthony moved to lay the motion made by Mr. Cravens on the table.

The ayes and noes were demanded by Senators Bearss and Freeland.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Combs, Cutshaw, Drew, Glazebrook, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mathes, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Shields, Shook, Slater, Spann and Tarkington—28.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Crane, Cravens, Crouse, Freeland, Griggs, Harris, Helm, Hendry, Meeker, Parker, Sage, Suit, Vandevanter, Weston, Williams, Wilson and Witherow—19.

So the motion was laid on the table.

When,

On motion by Mr. Spann,

The above papers were laid on the table.

Mr. Cravens offered the following preamble and resolutions:

*Whereas*, Peter Glenn of the county of Harrison county, has presented a certificate of Hugh Neely, the clerk of said county, declaring said Peter Glenn to have been duly and legally elected State Senator from said county, which certificate was based upon the return of the Board of Canvassers for said county, as provided by law of this State, which certificate bears date, all of which is in due form and attested by the seal of said county, from which it would appear that said Glenn had been duly elected by a majority of the votes of said county of Harrison and legally entitled to his seat as a member of this Senate,

*And Whereas*, John Mathes, of the county of Harrison, has also presented a paper purporting to be a statement of the votes cast for State Senator in said county of Harrison, certified to be a correct statement of the votes polled in said county, when it would appear

that from an error in computation, or otherwise, the said John Mathes and not Peter Glenn had received the highest and greatest number of the votes cast in said county for State Senator, to which certificate is affixed the signature of Hugh Neely, the clerk, as also the seal of said county of Harrison, bearing date 1854.

*And Whereas*, Upon presentation of the above certificate and paper by the parties respectively, each claiming to have been duly and legally elected and entitled to the seat as such Senator from said county of Harrison, the President of the Senate, without authority and contrary to the provisions contained in the 10th Section of Article 4th, of the Constitution of this State, did decide that said John Mathes was legally entitled to his seat, and thereupon administered to him the oath of office; by which decision said John Mathes now holds his seat as a member of this body,

*And Whereas*, Said John Mathes, who claimed the seat of said Peter Glenn, did not, according to the provisions of the Revised Statutes contained in chapter 34 in an "Act to provide for contesting the election to any State district, Circuit Court or township office, comply with the same, nor any elector of said county for him, either file with the clerk a statement of the ground of contest, or have or procure to be served upon the contestee any notice of such contest, a copy of such statement, neither does the contestee allege or claim to contest the seat of said Glenn upon either or any of the four causes containing a ground or grounds of contest recited in the 14th section of chapter 34 of Revised Statutes, approved May 4th, 1852,

*And Whereas*, Said Mathes now occupies a seat in this body as the Senator from the county of Harrison, by virtue of the decision of the President of the Senate, which decision is unauthorized by law or the rules established and adopted for the government of the Senate, and in conflict with the Constitution of the State, as also subversive of the powers and dignity of the Senate, therefore,

*Resolved*, That John Mathes is hereby declared not a member of the Senate, and that Peter Glenn, the contestee, be, and he is hereby duly entitled to the seat as Senator from the county of Harrison, and that the President administer to him the oath of office.

*Resolved*, That Peter Glenn having presented the certificate awarded by the Board of Canvassers of Harrison county, certified by the clerk of said county, according to law, is hereby legally entitled to his seat as Senator from said county.

Mr. Spann moved to lay the preamble and resolutions on the table.

The ayes and noes were demanded by Senators Bearss and Cravens.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Combs, Cutshaw, Drew, Freeland, Glazebrook, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Shook, Slater, Spann, Tarkington and Woods—30.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Crane, Cravens, Crouse, Ensey, Griggs, Harris, Helm, Hendry, Mathes, Parker, Robinson, Vandevanter, Weston, Williams, Wilson and Witherow—18.

So the preamble and resolutions were laid on the table.

Mr. Woods, from a joint select committee, made the following report:

**MR. PRESIDENT:**

The committee appointed to act in conjunction with one of similar character from the House of Representatives, to wait upon the Rev. John L. Smith, and request him to open the General Assembly with prayer, report, that they have performed that duty, and the Rev. Gentleman has given his consent to comply with the request of the General Assembly.

A message from the House of Representatives by Mr. Levering, their clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate, that the House has reciprocated the following resolution passed by the Senate:

*“Resolved, That the joint rules which were in force for the government of the General Assembly at its last session be adopted by the Senate, as the rules of joint action for the present session, and that the House of Representatives be informed of the adoption by the Senate of said joint rules, and their concurrence requested therein.”*

A message from the House of Representatives by Mr. Levering their clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate, that the House has adopted the following resolution:



*Resolved*, That the Senate be invited to attend in the Hall of the House of Representatives *instantly*, for the purpose of opening the present session of the General Assembly with prayer, and that seats be provided on the right of the Speaker's chair.

The Senate then, preceded by the President, repaired to the Hall of the House of Representatives, where the Throne of Grace was addressed by the Rev. J. L. Smith, after which the Senate returned to their Chamber.

On motion by Mr. Spann,

The Senate adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

The Senate met.

A message from the House of Representatives by Mr. Levering, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following resolution:

*Resolved*, That the Senate be invited to attend in the Hall of the House *instantly*, to receive the annual communication of his Excellency, the Governor, and that seats be provided on the right of the Speaker's chair.

The Senate then repaired to the Hall of the House of Representatives, when the following communication was made to the two Houses by his Excellency, the Governor:

### MESSAGE.

*Gentlemen of the Senate,  
and of the House of Representatives:*

Assembled for the first time under our biennial system of Legislation, we find causes for mutual congratulation, in the favorable circumstances by which we are surrounded.

During the past two years, the people of Indiana have enjoyed the inestimable blessings of peace, and of civil and religious liberty.

Although, in the course of the year through which we have just passed, some portions of our State have been visited by a fatal epidemic, and, although, in some districts, the earth failed to yield its usual bountiful returns, to reward the labors of the husbandmen; yet, general health now prevails among our large population; and the cultivators of the soil have gathered the fruits of the earth, in quantities sufficient to meet the demands of the home market, and to furnish a large surplus for exportation.

Notwithstanding the temporary presence of financial embarrassments, which, unfortunately, press around the commercial and manufacturing interests of the country, our great agricultural interests is in a prosperous condition; the farmer finds a ready market and good prices for his surplus products; the laborer receives a fair remuneration for his toil; the State holds a position of great and increasing power among her sisters of the Union; and the strong, steady, and impartial protection of our laws extends over all the inhabitants within our borders. In such circumstances, it becomes our duty, as a grateful people, to offer our thanks to Almighty God, and to acknowledge our obligations to Him, for the innumerable blessings that we enjoy.

In compliance with that clause of the Constitution which requires that your chief executive officer "shall from time to time, give to the General Assembly information touching the condition of the State, and recommend such measures as he shall judge to be expedient." I invite your attention to several subjects, each of which will, no doubt, receive from you, before the termination of the present session of the General Assembly, all the consideration that its importance demands.

Among the subjects of legislative consideration, the financial condition of the State demands your special attention. It is to your action alone, that the people must look for the protection of their credit, the preservation of their faith, and an exemption from unnecessary burdens.

It affords me pleasure to be able to say that the fiscal affairs of the State are still improving. Economy has been observed in the public expenditures; and while the interest on the public debt has been promptly paid, the reduction of the principal has not been neglected.

The amount of the ordinary expenses of the State government, as audited, and paid by the Treasurer, for the year ending October 31, 1854, is \$54,261 44—which is \$49,668 44 less than the amount paid for the year ending October 31, 1853. This sum as the ordinary expenses of a government composed of a million and a quarter of inhabitants, will compare very favorably with the ordinary annual expenditures of any State in the Union—it being, *per capita* four and one-third cents for each individual.

The ordinary annual expenses of the State government, from October 31, 1844, to October 31, 1854, inclusive, have been as follows:

For the year ending October 31, 1844.....	\$93,368 73
For the year ending October 31, 1845.....	74,855 28
For the year ending October 31, 1846.....	69,136 59
For the year ending October 31, 1847.....	90,709 67
For the year ending October 31, 1848.....	79,267 48
For the year ending October 31, 1849.....	73,881 47
For the year ending October 31, 1850.....	73,615 10
For the year ending October 31, 1851.....	71,810 36
For the year ending October 31, 1852.....	160,312 68
For the year ending October 31, 1853.....	103,929 88
For the year ending October 31, 1854.....	54,261 44

Making a total of..... \$945,198 68

The amount of the value of taxable property has increased, during the same period, as follows:

Amount in 1844.....	\$116,237,965
Amount in 1845.....	118,870,251
Amount in 1846.....	122,265,686
Amount in 1847.....	124,610,441
Amount in 1848.....	128,960,986
Amount in 1849.....	133,419,056
Amount in 1850.....	138,262,085
Amount in 1851.....	210,973,643
Amount in 1852.....	218,563,809
Amount in 1853.....	266,097,614
Amount in 1854.....	290,418,148
Making an increase during this period of....	\$174,180,183

The amounts paid during the same period, on account of the principal and interest of Treasury Scrip, and interest on the public debt are as follows:

	Principal and Interest of Scrip.	Interest on State Debt.
1844.....	\$399,975 26	\$28,587 30
1845.....	214,277 41	6,278 10
1846.....	270,393 31	10,290 15
1847.....	305,535 73	82,880 00
1848.....	196,736 18	182,160 00
1849.....	195,366 05	188,210 00
1850.....	203,995 78	193,470 00
1851.....	203,108 86	198,011 00
1852.....	136,703 70	198,040 00
1853.....	129,598 59	252,230 85
1854.....	19,015 03	298,255 52
January interest 1855.....		160,000 00
Totals.....	\$2,274,705 90	\$1,798,412 92

The expenditures on account of the three Benevolent Institutions, during the same period were as follows :

1844.....	\$1,168 75
1845.....	2,797 87
1846.....	13,623 00
1847.....	41,813 16
1848.....	37,016 73
1849.....	61,847 89
1850.....	73,762 34
1851.....	73,933 81
1852.....	105,070 21
1853.....	158,872 31
1854.....	120,597 15
Total.....	<u>\$693,503 31</u>

On the first day of November, 1854, the State debt of Indiana amounted to \$7,031,003 50. Of this sum the State has liquidated the amount of \$227,864 50, leaving, of the public debt, the sum of \$6,803,139, of which sum \$1,763,139 is bearing two and a half per cent. interest, and the balance, to-wit, \$5,040,000, is bearing five per cent. interest. The aforesaid sum of \$227,864 50 having been paid by the State, under the act of the General Assembly creating the Sinking Fund, these stocks remain on the books of the Agency, the interest credited and applied annually to the reduction of the principal of the public debt. Hence, so far as the interest is concerned, the stock belonging to the State is still considered outstanding.

Satisfactory evidences of the strength of the financial resources of the State may be seen in what we have accomplished in the last ten years. During this period, without estimating what are called the ordinary expenses of the State, there have been, by taxation, levied, collected, and applied, the following sums, namely :

For the redemption of principal and interest of scrip.....	\$2,274,605 90
Interest on the public debt, including the payment of the interest for January, 1855, .....	1,798,412 92
Payment upon the principal of the public debt, .....	227,864 50
Payments to the three Benevolent Institutions, .....	693,503 31
Expenditures on the State Prison, including expenses connected with the removal of prisoners, .....	71,412 37
Making.....	<u>\$5,065,899 50</u>

If to this we add the ordinary expenses of the State government for the same period, amounting to \$945,198 68, we have the sum of \$6,011,098 18, equal to about eight-ninths of the present State debt, raised from our people by taxation, at a rate exceeding \$600,000 annually; five-sixths of which amount has been annually applied to the payment of interest and to other objects not included among the ordinary expenses of the State.

The exhibit here made of the amount already liquidated of the public debt, fully corroborates the estimates made in my annual communication of 1850, which looked to its final discharge in 1871.

No intricate machinery has been required for this purpose, but simply an application of the surplus means in the Treasury, to the purchase of the debt. And I deem it an imperative duty, while prosperity is all around us, and our other burdens are light to urge upon you the continuance of this policy, and to make an annual levy of not less than five cents upon the one hundred dollars, to be appropriated exclusively for this purpose. With the application of these means, and such other as may be at our command, the last dollar of our public debt will be discharged in 1868. Then will be realized the consummation at which we have so long aimed, when the public stocks of Indiana shall no longer be displayed in market to tempt the cupidity of the sharper, but free from debt, wit light taxes, an economical administration, our commerce, our agriculture, our manufactures, the pride and strength of our people, Indiana shall truly be the envy and admiration of her sisters, of the Union.

Before the next session of the General Assembly, the charter of the State Bank will expire; and, therefore, it devolves on the present Legislature to make some disposition of the interest that the State holds in that Institution. It is wisely provided by the constitution that, hereafter, the State shall not be a stockholder in any bank, nor lend her credit to any corporation. With the object of carrying out this principle, and keeping in view the interests which the State holds in the bank, consisting of stocks, sinking fund, surplus revenue, real estate and other assets, I recommend the appointment of a board of Commissioners with full authority to make a settlement of the affairs of the State and the bank, on the expiration of the charter.

The State is liable for the bonds originally issued for the capital stock, upon which the bank has promptly paid the interest, and the stock, at this time, commands a premium.

The whole legislation of the State, as well as the letter and the spirit of the constitution, declares the expediency of a separation of the interests of the State from all corporations. I concur, fully, with the Auditor of State in his views as to the propriety of the future investment of the sinking fund in the bonds of the State.

The law upon the subject of general banking, has failed to accomplish the purpose for which it was enacted. It has not furnished, for the use of the people, a sound circulating medium. The experi-



ence of the two past years fully establishes the correctness of my remarks addressed to the last General Assembly on the subject of banking; and I may adopt, in its fullest meaning, the sentiment then expressed, "that past events have clearly shown that the restrictions provided by the law are insufficient to prevent abuses of the privileges granted."

It is a matter of regret that this subject did not engage the attention of the General Assembly at its last session. I again urge upon your consideration, the views expressed on this question at that time.

The country having over-traded, a necessary demand for exchange to meet Eastern liabilities, was created. This state of affairs caused the broker to seek for gold; and, in pursuing this object, he placed himself in the position of the merchant or business man, and was fulfilling one of those vocations not uncommon in such conditions of the country. It was a fortunate circumstance that the broker came early. We had, in less than six months, issued more than six millions of currency—an amount not required for the maintenance of a healthy condition in our monetary affairs; and if the broker had delayed his visit for a year longer, a greatly increased amount of paper circulation would have resulted in greatly increased pecuniary losses to the people.

The practical operation of the law in many instances, has been that the individual has not sought to locate and commence the business of banking to accommodate the commercial community, but to borrow money for himself under the sanction of the law. Men without capital or with barely credit sufficient to borrow a few thousand dollars of stocks, have been furnished facilities under the law, to become bankers to the extent of millions. With the currency procured upon the first deposit of stocks, other securities have been purchased and other notes procured, and thus a large circulation has been created without a dollar of actual capital.

Directors and bank presidents are now issuing this depreciated currency over their own counters without any effort, or, it is believed, intention ever to redeem it. With this currency they purchase bills payable East, and the farmer instead of getting an equivalent for his products, is paid in a circulation which he cannot dispose of without sacrifice, nor retain in his possession without danger. Instances are not wanting where the proprietors of banks, after suffering their institutions to suspend, have themselves embarked in the business of buying up their own paper at a heavy discount, and thus plundering the laborer of his hard earnings. You will be wanting in your duty to an outraged people if you fail to adopt prompt measures to suppress this practice, which is not only unjust and disreputable, but subversive of public morals.

The indispensable duty of protecting the people of the State from the evils of a depreciated paper currency, requires that no special indulgence should, under any circumstances, be granted to any banking institution that neglects or refuses to redeem its issues in coin. Any

bank refusing to redeem its circulation with the constitutional currency of the country should be immediately wound up. No state of facts should be allowed to justify any delay in closing the business of such a bank. Every hour's delay affords to the broker and the speculator, a harvest—yielding as the delay continues, richer and more abundant fruits; and always at the expense of the laborers and the business men of the country.

The law itself is not only glaringly defective, but the construction given to it, and consequently the practice under it. It was evidently contemplated by its framers that no bank should be established with a capital of less than fifty thousand dollars, that it should have a convenient and accessible place of doing business, that it should redeem its issues promptly on demand, and that its proprietors should be at least men of pecuniary ability, and that it should embark in no other than a legitimate bona fide banking business. And yet in how few instances have these requisites been complied with.

Under the 12th and 28th sections of the law it was undoubtedly competent for the Auditor to wind up any bank not doing business at the place where its bills were payable. To give more efficiency to this provision, and to make the duty imperative upon that officer, I called the attention of the Legislature to the subject in my last annual communication, but having failed to procure the required legislation, I renew my recommendations on this point.

The great error in the law, is, that the entire responsibility of the system is placed in the hands of a single individual, and he an officer of the State already charged with duties and trusts of the most important character. This single individual determines upon the validity of the organization, the character and value of the stocks, issues the circulation, holds the securities, passes upon the correctness of the reports, delivers powers of attorney for the collection of interest, and in short settles all questions connected with the banks according to his own unaided judgment. With a bond of only \$10,000 he is the custodian of near \$10,000,000 of the public securities.

If it be the design of the Legislature to continue this system, it will, in my judgment, be necessary, in order to secure the confidence of the people, and to protect their interests, to provide for the organization of a Bank Department with a Board of Bank Commissioners, with full powers to determine upon the locality of the bank, the necessity for its creation, the solvency of the securities offered, and who should, also, be charged with their custody.

I also recommend, that, inasmuch as the term of the present incumbent is about to close, a committee of the two Houses be appointed to investigate fully the condition of all matters pertaining to the banks connected with the office of the Auditor of State. A full report will doubtless do much to allay the apprehensions of the public, and establish confidence wherever merited.

The valuable and interesting report of that officer will present you in detail the operations of the Free Banking system in his hands.

It will doubtless be the policy of the legislature to provide for the immediate closing, and withdrawal from circulation of the paper, of all such institutions as persist in the violation of the palpable provisions of law. In doing so, due regard should be had both to the interests of the people, and of the banker, so as to prevent undue excitement and apprehensions on the one hand, and loss and insolvency on the other. A contrary policy might involve the solvent with the insolvent, the upright man of business with the dishonest and corrupt.

With the state of things we have had for the last year it was not possible to avoid revulsions and monetary excitements.

The circulation of the State Bank in October, 1853,	
was.....	\$3,834,765 50
Circulation in October, 1854,....	2,803,648 00
Decrease .....	1,031,117 50

The Stock Bank circulation July 1st, 1854,.....	\$9,299,575 00
Circulation January 1st. 1855, .....	5,565,099 00
Estimated amount in hands of bankers not in circulation.....	1,000,000 00
Decrease in six months.....	4,734,475 00

The precise amount surrendered at the Auditor's office up to the 1st day of January, 1855, is .....\$3,731,475 00

Here we have a withdrawal from circulation in twelve months, and the greater part in four months, of \$5,666,123 00, or more than one-half of all the circulation called money in the State. More than three millions of this circulation is depreciated; its value being at the mercy of the broker and speculator. The same facts, in regard to the decrease of the currency, are true, although perhaps in less proportions in the adjoining States with which we have commercial intercourse. How can any people have stability under this state of monetary affairs?

We shall always have revulsions, expansions, contractions, and derangement in the whole business of the country, so long as we foster any system that makes promises to pay money, instead of gold and silver. If the inferior circulation were this day withdrawn, I have no doubt we should find a sufficient amount of the constitutional currency among our people for all ordinary business purposes.

We have not only a depreciated currency, issued under the authority of law, but we have a depreciated currency, issued by rail road, plank road, and insurance companies, without the authority of law. Thousands of dollars of this latter kind of depreciated paper have been thrown into circulation, and left to represent an uncertain and variable value in the ordinary transactions of business. The credit of the State, and the interests of the people, demand an abatement of this evil.



No subject of legislation is calculated to awaken more pleasing anticipations for the future than our system of popular education. Indiana, under the auspices of her new Constitution, has, upon the subject of education, adopted a policy that has commanded the admiration of some of the older States of the Union. Let us, by the most judicious course of legislation, prevent a retrograde movement on the part of the State, with respect to this very important interest.

The recent decisions of the Supreme Court, on the constitutionality of the consolidation of the avails of the school sections, and on the township tax for school purposes, while they have settled those questions in a manner satisfactory to the parties that raised them, do not, in the least degree, disturb the broad basis on which our system of public instruction rests.

It will be a task worthy of the exercise of your legislative wisdom, to correct, by some means within the scope of your legitimate powers, the inequalities caused by the first decision, in the annual avails of the local funds. In the distribution of the general fund raised by the school tax, it is believed that the desired results may be obtained as readily as they could have been accomplished had the decision been otherwise.

The second decision, as I understand its import and application, confines the power and limits the responsibility of raising funds, for purposes of adequate and general public instruction, to the Legislature alone. The restricting of the exercise of this power, and the limiting of its responsibilities to the General Assembly, will produce the uniformity contemplated by the constitution. It is not believed, however, that the Supreme Court, in deciding the unconstitutionality of the township tax, intended to declare that the people of the several townships are, by the constitution, deprived of the right of taxation for the purposes of building school houses, and furnishing apparatus, furniture, and fuel for the use of the public schools. They mean, by the construction that they place upon the word "uniformity," as it appears in the constitution, to convey the idea that the tax levied for purposes of education, and to be applied in the payment of teachers, must be levied by the Legislature. If, however, they intend to apply the principal of the decision to all the details of the municipal regulations of the school affairs of townships and towns, the interests of education imperiously demand an early amendment to the constitution. In order to secure efficiency in the operations of any system of public instruction, the action of the people, in township and in district organizations, is indispensably necessary.

I cannot, for a moment, suppose that corporate towns and cities may be invested, constitutionally with the powers necessary to manage their municipal affairs, according to their peculiar circumstances, in every department of local interest, excepting only that most important of all interests, the education of youth. It would be a ruinous policy to make an exception so fatal to all prospects of

efficient action on the part of one of the most essential elements of human progress.

It is gratifying to know that, where the school law has been carried into effect, according to its obvious import, under the control of efficient officers, and without the disturbing influence of legal questions, its action has been happy and harmonious; and warrants the expectation that, with slight amendments, not affecting its vital principles, but merely correcting some oversights and supplying some deficiencies, it will remain among our statutes, an exponent of the wisdom of its framers, and a blessing and an honor to the State.

The signs of our educational progress may be seen in the increasing number of graded schools—some of established reputation, and others aspiring to that position—and in large, commodious, and costly edifices that have been erected for purposes of education, in various parts of the State. The building of numerous school houses, and the increasing demand for competent teachers, are additional evidences of the favor with which the people regard our educational interests. The recent organization of a Teachers' Institute, and the later organization of a State Teachers' Association, with its associated lectures, I hail as omens of good; and predict that beneficial and far-reaching influences will flow out from these institutions.

During the past two years, the steady increase of the number of students in our several Colleges, and the manifestations on the part of those who have charge of these Institutions, of an active sympathy with all the educational movements of the State, have afforded additional and gratifying evidences of the sound state of popular opinion on the subject of education.

It is the duty of the State to extend to all the general educational enterprises of her citizens, the countenance and encouragement of a liberal policy; and, in the maintenance of such a policy, to exempt from taxation at least those funds that have been bestowed by private munificence, for the moral and intellectual training of the youth of the State.

The affairs of the State University, at Bloomington, require some prompt and decisive action on the part of the General Assembly. In the early part of the year 1854, the main college building, and the very valuable Library that it contained, were destroyed by fire. The Trustees immediately adopted energetic and economical means to repair the damages: and a new and commodious edifice, designed for the principal department of the University, is now nearly completed.

You are aware that, for some years the affairs of this Institution have been embarrassed by the progress of a law suit, which involved about sixty thousand dollars of its funds, and which grew out of a controversy between the State and the Vincennes University. The suit has been decided against the State; but no decision has been made in any controversy wherein the State University was a party,

and it is believed the judgment of the Court cannot, without further legislative action, be carried into effect by any transfer of the funds in question, to the Vincennes University.

Having no doubt of the power of the State to adjust this difficulty, (in which the rights and liabilities of the parties arose under the old constitution,) by any means at her command, or on time, I earnestly recommend the adoption of measures for the early settlement of this controversy, in some way that will not deprive the State University of its present resources. The suit, to which reference has been made, was instituted under the authority of an act of the Legislature; and, whatever opinions may be entertained as to the results of future litigation on the part of the State University, the interests of the people of the State, of the Institution, and of the community in which it is located, require an early and final settlement of the question.

A statement of the condition of the funds of the State University will be placed before you, in the report of the Trustees. These officers, in the course of the past year, obtained a loan of six thousand dollars from the Sinking Fund; and they should be invested with authority to mortgage a part of the college lands to secure the payment of this loan. The whole subject of the sale of the lands granted by Congress and amounting to about twenty-four thousand acres, is respectfully submitted for the consideration and action of the General Assembly.

In the late revision of the Statutes of Indiana, the laws on the subject of the profanation of the Sabbath, were, it seems, unintentionally overlooked, and annulled by general repealing clauses. The observance of this day, as a day of rest from the common secular concerns of life, is not only a religious duty, but it is a political and social interest, which no enlightened people may disregard with impunity. From the past, and from the present, many sad examples rise up before us, to warn us of the inevitable decline of strength and virtue, and prosperity, in nations and States where the Legislators and the people have looked with indifference on the profanation of the Sabbath.

With respect to this subject, the present General Assembly will, doubtless take into consideration the propriety of re-enacting those laws which up to a recent period, and through all changes, have stood among our Statutes since the foundation of the State Government.

The law of 1853, on the subject of the traffic in intoxicating liquors, has been rendered inoperative by a decision of the Supreme Court of this State; and an unusual degree of excitement has prevailed among the people, in relation to the laws that should be passed by the General Assembly, for the purpose of restraining the desolating evils of intemperance. The necessity of restraining these evils by the force of law, has been acknowledged by our legislation, from the organization of the Government to the present time; and in the course of the past year, this subject, involving the happiness

and prosperity of our race, and rising far above all party considerations, was forced in some measure, to assume the nature of a political issue.

Some of the best citizens of the State entertain serious doubts, not only as to constitutionality, but as to the expediency of adopting stringent legal means for the suppression of intemperance; and it is neither prudent nor just to assume from this fact, that such men are among the foes of temperance. All experience shows that very stringent penal laws against privileges and habits long indulged in, are calculated to produce a re-action in public sentiment.

We have, in our State, some counties, in which, even under our defective laws, not a solitary dram-shop is to be found, and in which, no person could find a support as a retailer of spirituous liquors to be drank as a beverage. Here, then, are examples of the prevalence of a sound public opinion in communities where agitation, discussion, and moral influence have effected a reformation, and where the people now require only sound legislation to protect them in the enjoyment of their happy condition.

The legislative department of the Government is, unquestionably, vested with the right to prohibit the manufacture and sale of ardent spirits as a beverage; but, in framing a law for this purpose, great care should be observed, in order to protect from violation and from annoyance, the constitutional rights of every law-abiding citizen, in the security and sanctity of his own home.

The evils of intemperance are so numerous, so great, and so destructive, that all good men will rejoice to see them abated. No estimate of the loss of business, the loss of dollars and cents to the manufacturer or retailer, or the loss of trade and commerce to the State, should for a moment rise into importance, in contrast with those terrible realities of poverty, sorrow, wretchedness, moral degradation and crime which darken our land, and fill our alms-houses, hospitals and penitentiaries. Benevolence and public policy alike require a suppression of the evils of intemperance; and if the wails of the widow and the fatherless fail to reach our hearts, and urge us to apply a remedy, considerations of economy in the administration of the law should not be disregarded.

It has always seemed to me, that the individual who sells intoxicating liquors in violation of law, and the person who becomes a drunkard by the habitual use of such liquors, are both guilty. A drunkard should, by law, be disqualified for the making of contracts, or the management of property, thereby protecting his family from the designs of the cunning and cruel, in the waste and destruction of his estate. We shall fail in our duty unless we throw the strong arm of the law around the wife and children of the inebriate.

No one can doubt that there is a strong public sentiment in Indiana in favor of a change in our laws upon this subject; and it is the duty of the people's servants to carry out that sentiment. It will give me pleasure to co-operate with the Representatives of the peo-



ple, in the adoption of any constitutional measure, that may be calculated to remove this acknowledged evil from the State.

The Reports of the Trustees of the Benevolent Institutions exhibit the condition and management of these monuments of the benevolence of Indiana. The people willingly pay their taxes to sustain these Institutions. It is, however, essentially necessary to provide additional checks in the expenditure of the public money raised for their support. Their cost per year, amounts to more than the sum paid annually on account of the ordinary expenses of the State government. As they are now placed upon the Treasury proper, to be sustained by direct appropriations, it is hoped that the necessity of borrowing money to support them, will not again arise.

I recommend that the management of the affairs of the three Benevolent Institutions, be placed under the control of one set of Trustees, not exceeding five in number; and that the law which governs the expenditures of the Deaf and Dumb Asylum, be extended over the other Institutions.

At this time, while financial embarrassments are affecting some of the commercial and manufacturing interests of the country, it is gratifying to observe that there are evidences of industry, prosperity and improvement, among the farmers and mechanics of the State. All classes of our laboring population are turning their attention, as members of various industrial associations, to the consideration of the best means of promoting the interests of their several pursuits. Under the authority of the Act of the General Assembly, approved February 17, 1852, about sixty Agricultural Associations have been established in Indiana, and a very large portion of this number held interesting and profitable fairs, in the fall of the year 1854. I suggest that the law under which agricultural societies are organized, be so amended that these associations shall be invested with the right to hold real estate, for purposes connected with the holding of their annual fairs. Many of the societies have purchased valuable grounds, on which they are making permanent improvements.

The State Board of Agriculture is now in session, with a full delegation from various parts of the State. By the operations of this Board during the past year, more than four thousand volumes on agricultural subjects have been distributed among the people of the State. These volumes contain not only valuable information, derived from the experience of some of the best farmers of Indiana, but also many useful and interesting facts in relation to the agricultural experience of the most distinguished farmers of other States of the Union.

It is the duty of those who represent the people in the General Assembly, to aid and encourage the efforts of the State Board of Agriculture and its auxiliary societies. By stimulating labor, by rewarding industry and skill, by encouraging the useful arts, and by diffusing, in various ways, useful and practical knowledge, these associations have exerted a most beneficial influence in promoting

the agricultural interest, and in increasing the amount and value of the products of our home industry.

I recommend that you appropriate the sum of three thousand dollars for the permanent inclosing of the military grounds at the Capital. This sum, in addition to that which will be furnished by the citizens of Indianapolis and the agricultural society of Marion county, will be sufficient to provide suitable grounds for the periodical display of the most valuable stock of the State, and for the exhibition of the labor and skill of our mechanics and manufacturers.

The correspondence on the subject of acquiring territory in Liberia, for the colonization of our colored population, will be found in the reports of the colonization agent. From this correspondence, it appears that the contemplated quantity of land cannot be acquired in a body. The object in view may, however, be accomplished by such a modification of the law as shall authorize the selections of lands, in smaller quantities, for families and individuals who may emigrate from Indiana to Liberia. The expediency of making such a modification of the law, is worthy of your consideration.

Since the passage of the law authorizing a State organization for the purpose of aiding the cause of African colonization, forty-eight persons have been sent from Indiana to Liberia. A majority of these emigrants were good mechanics, industrious and intelligent men, and well qualified to exert a good influence in that infant republic.

Time has demonstrated that the scheme of African colonization is practicable, and no enterprise of the age holds out greater promise of good to the colored race. Within the last twenty years, through the influence of the Liberian government, the principles of christian civilization and civil liberty have accomplished more, among the twenty-five million of that portion of Africa, than had been achieved by the efforts of philanthropists in the course of many preceding centuries. The colored man, in his native land, has established a republic, built towns and cities, founded churches and schools, and adopted a policy calculated to encourage agriculture, mechanics, manufactures, and other industrial pursuits. We must look to this land for the elevation of the African, for the separation of the white and colored races, and for the removal or mitigation of a great source of evil. I recommend that you continue the annual appropriation for the cause of colonization, and that your voice be heard in the national councils, asking for the recognition of the independence of the Republic of Liberia.

In former messages, my views in relation to the necessity of making provisions, by law, for a thorough geological and topographical survey of the State, and in reference to the importance of creating a Bureau of Statistics in one of the departments of State, have been laid before the Legislature. Again, earnestly, I invite your attention to these subjects.

In the early part of the year 1854, the State Board of Agriculture, at an expense of five hundred dollars, employed Dr. Brown, to

make a cursory geological examination of the State, and to publish the results of his labors in the third annual report of the Board. In that report, which has been placed on your table, you will find much valuable information on the subject of our undeveloped agricultural and manufacturing resources. We have neglected these interests too long, and the present is a favorable time to correct this error of our home policy. Europe is now convulsed with a contest, the end of which cannot be foreseen, but which will, while it lasts, continue to disturb the commercial and manufacturing interests of the world. While we cannot be indifferent spectators of this terrible conflict among the nations of Europe, we should be admonished of the necessity of cultivating the arts of peace, and of developing those boundless resources of wealth that a bountiful Providence has scattered broadcast over our land. Without depending upon the fluctuating and uncertain influences of national legislation, it is our duty to strengthen and encourage the arms of enterprise and industry, by the strong force of a wise and steady State policy.

With a coal field of seven thousand square miles in extent—with inexhaustible beds of iron ore—with a soil of unfailing fertility—with a central position between the east and the west—and with railroads traversing the State in all directions—Indiana, if true to her own interests, may, within the course of the next ten years, double the present amount of her wealth and population.

If we desire to bring into our State a portion of the now hoarded capital of Europe and the east, we must be able to point with certainty to the places at which it can be profitably invested. To enable us to do this, we want reliable facts, such as the actual investigations of scientific men only can furnish. The expenditure of a few thousand dollars, if authorized by the Legislature, will secure to us the advantages of a thorough geological and topographical survey of the State. While our sister States, by the aid of science, are unfolding their agricultural and mineral wealth, we are trusting these great interests to chance and to individual enterprise.

In view of the facts, that there are in Indiana twenty-five hundred miles of railroads, either now in running order, or approaching a state of completion—that the affairs of some of these roads are controlled by the interests of citizens of other States—that our railroads furnish employment to thousands of hands—and that the policy of these corporations exercises an important influence on the trade and commerce of our State, and on the character of the citizens—it becomes the duty of the Legislature, not only to adopt efficient measures for the prevention of unauthorized and unjust exactions upon the traveling public, but to provide, as far as human foresight can provide, and by any means within the scope of legislative authority, for the prevention of those railroad accidents which so frequently result in the destruction of property and the loss of human life.

Many of the common railroad accidents of the day, which are caused by unsubstantial temporary bridges, defective locomotives,

badly constructed railways, improper signals, and carelessness on the part of employees, might be avoided, by subjecting the conduct of railroad companies to the scrutiny of officers deriving their authority from the Legislature. You are therefore invited to take into consideration the expediency of providing for the appointment of General Railroad Commissioners, who shall be practical and scientific men, and who shall be invested with power to visit the different roads, enquire into and report abuses, and require compliance with the provisions of law. The companies having charge of roads that connect with roads in other States adjoining, should be required to keep, in this State, an office for the transaction of business.

It is confidently hoped that the present Legislature will, without authorizing any unreasonable interference with the affairs of railroad companies, provide, by the enactment of suitable laws, for holding to the strictest accountability all persons entrusted with the management of these corporations.

An early consideration of the expediency of creating the office of Attorney General is pressed upon the attention of the General Assembly. With respect to this subject, the justness of the views contained in my annual communication of 1851 has been confirmed by the experience of the two past years. The amounts paid and the liabilities incurred by the State, for professional services, during that period, will exceed the sum of five thousand dollars. Constitutional questions that affect the revenues of the State, the common schools, the tenure of offices, &c., are continually arising in the courts, and yet there is, for the State, no legal adviser. Economical considerations clearly indicate the necessity of creating the office of Attorney General.

In the application of the principles of economy, in fixing the compensations of the officers of the State government, we should be careful to avoid a parsimonious policy. The salaries attached to our public offices should not be prodigally large; but they should be sufficiently remunerative to command, in the administration of the public affairs, the services of the most worthy and the most competent men. The very best and most wholesome laws may, in consequence of their incorrect interpretation, or improper administration, fail to accomplish the purposes for which they were made.

In order to secure strength, efficiency, and success in the administration of the public affairs, it is the duty and the interest of the State to provide for the payment of fair salaries to public officers. The present salaries of our Judges are not sufficient; and it is absolutely necessary to increase the compensation of these public servants, if we desire and expect to have, in this department, the services of men qualified to administer justice, and to command, for the judiciary, the confidence and respect of the people. These remarks are applicable to other public officers, and to the discharge of other official duties.

During the course of the years 1853 and 1854, the present efficient State Treasurer has received and distributed about three-quarters of



a million of public moneys, on account of swamp and wet lands. For the additional responsibilities and labors imposed on him in the discharge of these duties, the Legislature should allow a proper compensation.

Before the next meeting of the Legislature, the present lease of the State Prison will expire; and the duty devolves on you to decide whether the present system of selling out the crime of the State to the highest bidder, shall be continued or abandoned. The policy of making periodical sales of the management and labor of the criminals that the State may have in its custody, is highly objectionable. The Penitentiary of Indiana is as well kept, in conformity with the law that governs it, as any State Prison in the Union; but the system is essentially wrong, and unworthy of the State.

The State should have the entire control of the Prison, its discipline, its labor, and its internal regulations; and, as far as it may be practicable and expedient, a system of rewards for good conduct should be kept constantly before the view of each convict. Do not make the convict a slave without hope, if you expect to reform him; but let him know that the State regards him, even within the walls of a prison, as a man, in whose reformation and restoration to the rights of citizenship, she feels an interest.

In determining the question of the future management of the State Prison, the idea of making it profitable, in a pecuniary way, should be outweighed by a higher consideration—the duty of adopting the best means for the reformation of the convicts within its walls

The constitution that you have sworn to support, declares that the General Assembly “shall provide houses of refuge for the correction and reformation of juvenile offenders.” Of two hundred and sixty-seven men in the State Prison, thirty-six are under twenty years of age; and more than one-half of the whole number are under twenty-five years of age. The youth of sixteen is found by the side of the old offender, and deprived of all associates other than those who are hardened in crime. All prisoners convicted of the first offence, and all youthful convicts, should be placed in situations where they would receive the kind advice of parents, guardians, or friends. By adopting this policy, our prisons will soon become houses of reformation, as well as places of punishment.

I communicate, herewith, the list of pardons, fines, and forfeitures, for the last two years, and suggest that they be published with this message; and, also, that you provide, by law, for the annual publication of similar lists.

Your attention is specially invited to the interesting Report of the late Visitor to the State Prison, to the Reports of the other officers, and to the views expressed in my former communications upon the subject of the management of this institution.

Early in 1853, appointments of Brigadier Generals were made, with the view of effecting an organization of the military strength of the State; and, at a court martial which was held in the month

of October, 1853, rules and regulations were adopted, which, it was believed, were at least sufficient to develop and secure that strength. Commissions have been issued in thousands; letters of instruction have been sent to the proper officers; and every effort has been made to carry the law into effect; yet not one Brigade enumeration has been perfected; and I hesitate not to express the opinion that no organization can be effected, unless the General Assembly gives to the proper authorities the power to impose penalties for the non-performance of official and militia duty.

Although our strength has increased four-fold since 1831, we are drawing our quota of arms from the General Government, upon our strength of that year. Many valuable suggestions are contained in the reports of the Adjutant General, which will be laid before you. The labor of this officer has been greatly increased, and he should receive additional compensation.

Many questions of vital interest to the State, are presented, for your consideration, in the Report of the Trustees of the Wabash and Erie Canal. The most of these have been alluded to in my former messages, to which your attention is invited. Since the last meeting of the Legislature, the Wabash and Erie Canal has been completed to the city of Evansville; thus forming the longest line of continuous artificial inland navigation on the globe. In the completion of this great work, we may find, taking into consideration the many embarrassing obstacles which have been thrown in its way, causes for mutual congratulation. It opens, for the extensive districts of fertile country lying upon its borders, a cheap means for the transportation of heavy articles of export and import; and, by affording the means of an easy passage to northern or southern market, it promotes, materially, the agricultural interest of the State, and imparts a stimulus to other branches of our home industry.

It is an unpleasant duty to call your attention to the fact, that, in a few instances, in some portions of the State, indications of the existence of a spirit of mob-law and violence have appeared. Secret associations, usurping the prerogatives of law, have, (by means of disturbing the peace of families, injuring property, and inflicting corporal punishment on individuals,) undertaken to regulate the morals of the communities in which such lawless combinations are permitted to exist. Civil officers, and peaceful citizens, fearful of incurring the dangerous hostility of members of these secret associations, allow their lawless acts to pass without punishment, and almost without public censure. The inevitable tendency of these secret associations is to corrupt the morals of the community, and to divest men of their respect for law and order.

In reference to this subject, it seems that some additional legislation is required, in order to insure prompt and efficient action on the part of the civil authorities. If, in cases of unlawful assemblages, riots, routs, affrays, &c., the Circuit Courts were invested with concurrent jurisdiction with the Courts of Common Pleas, and informants

were thus shielded by Grand Juries, the change would, perhaps, afford to society some additional protection against the violence of lawless men.

No state of facts can ever arise, in a government like ours, that should, for a moment, tolerate private citizens in the usurpation of the right either to redress their own real or imaginary wrongs, or to inflict injuries on the property or on the persons of their neighbors. Wherever such usurpations are tolerated and encouraged, the people are rapidly approaching a state of anarchy, in which laws can afford no protection to life, liberty, or property. It is, therefore, the solemn duty of every citizen of Indiana to aid in the preservation of the public peace, and in the maintenance of the supremacy of the laws. These interests must be preserved, and maintained, at all hazards.

The total amount of money arising from the sale of swamp lands, paid into the treasury, and in the hands of the receivers, is at the present time, about \$500,000. Of this sum, \$340,000 has been disbursed under the law authorizing the ditching and draining of the lands. In some portions of the State, the expenditure of the funds has produced good results; in other parts the money has been paid to officers, and nothing beneficial to wet lands has been accomplished.

The operations of the swamp land laws have confirmed the views expressed in my former communications to the Legislature. The correctness of the construction that has been placed, by officers of State, on these laws, as they relate to the mode of issuing patents, is, in my opinion, very doubtful. The subject demands your early attention. It is yet possible, by prudent legislation, to secure, for the common school fund, a considerable amount of the proceeds of the swamp lands. The very valuable Report of the Auditor of State will place before you the details of the management of this trust.

It is the duty of the present General Assembly, to fix by law, the number of Senators and Representatives that shall compose the Legislature, and to apportion such Senators and Representatives among the several counties, according to the number of white male inhabitants above twenty-one years of age, in each. In connection with this subject, your attention is invited to the suggestions that were contained in a previous message, in reference to a reduction of the present number of Senators. In the discharge of the duty first named, and in any action which, in your discretion you may deem proper, in respect to the suggestions concerning a reduction of the number of Senators, you will, no doubt, be controlled by an equitable regard for the interests of the citizens of all portions of the State.

It is your duty to establish all the guards and restrictions that may be necessary for the protection of the purity of the ballot box, and the security of the elective franchise. I suggest that you prohibit, under severe penalties, against the separation of all the officers of an election, until the ballots are counted, and the result of the poll is known and declared.

The attention of the Legislature is again called to the consideration of the subject of providing suitable buildings for the State offices

at the seat of government. The proceeds of the property owned by the State, and the additional aid that the General Government will, doubtless, furnish, will be sufficient to erect a substantial building on the "Governor's Circle," for the accommodation of the National and State officers, without imposing any tax on the State Treasury. The Capitol building should be appropriated only to the uses of the General Assembly, the Representatives of the people, and the State Library.

An appropriation should be made for the enclosing of the capitol grounds with an iron fence. This is rendered absolutely necessary, in order to preserve the building and the grounds.

The loss of some of our State Bonds by a late disaster at sea, suggests the propriety of providing by law, for the relief of the holders of bonds in similar cases. The law should be well guarded—requiring proof of loss, identification of numbers, dates, and amounts—and made applicable to all cases of loss or destruction of State bonds.

The Secretary of State of the United States has transmitted to the Executive department of this State, a copy of the details of a "Consular Convention between the United States and his Majesty, the Emperor of the French," concluded on the 23d day of February last. This document, and an accompanying circular that explains the object of the transmission, are herewith presented for your consideration.

The great inequality now existing in the appraised value of real estate, and the recent rapid progress of improvements demand, it seems to me, a re-appraisement of lands; and the expediency of causing a full and complete census of the State to be taken, for the year 1855, is also worthy of your consideration.

In accordance with the requirements of the resolution of the last General Assembly, authorizing an examination into "the stock affairs of the State, the loss of surrendered bonds, and the excess of scrip, the undersigned, in company with the Treasurer of State, visited the office of our Agency, at New York, in August, 1853. The missing bonds having been found a few days previously, were carefully counted, and are now in the office of the Treasurer of State.

The apparent discrepancy between the books of the Agent of State and those of the Auditor, as to the amount of bonds surrendered, was examined in order to correct this discrepancy, a complete copy of the books of the Agent of State was made, and carefully compared in every particular. This copy is now in the hands of the Auditor of State, who by reference to it, has corrected the supposed errors; and it is believed that the Report of the Auditor, based upon this examination, presents a correct view of the State debt.

It had been stated that Indiana had not received any part of the three per cent. fund due her, for lands sold at Chillicothe and Cincinnati; and in the course of the official visit to which I have referred, the officers before named, made an examination at the General Land Office, with respect to the amount and condition of



the three per cent. fund due the State from the General Government. I submit, herewith, a report, obtained from the General Land Office, showing the condition of this fund, up to the date of the report; and accompanying the report is a letter on the same subject, addressed to the Secretary of the Interior, under the date of November 10, 1853.

The subject of the excess of scrip has been carefully examined by two gentlemen under oath. Their report, which is herewith submitted, shows the amount redeemed and cancelled upon the books, by each Treasurer. The question of further action, in relation to this subject, is submitted to your consideration.

The first and second instalments due by virtue of the sale (in pursuance of an Act of the General Assembly, approved February 28, 1852,) of the interest the State had in the Madison and Indianapolis Railroad, have not been paid. A mortgage was taken upon the road and all its equipments, and duly recorded in the several counties through which the road passes. Upon the failure to pay the first instalment of seventy-five thousand dollars, due the first day of January, 1854, the claim was placed in the hands of able attorneys for collection. The report of the Trustee named in the mortgage, and the correspondence upon the subject, together with a communication from the President of the Company, will place before you the condition of this claim.

Many important questions, all of which will doubtless receive your careful consideration, have been raised under the operations of our new constitution and Revised Statutes, since the last session of the General Assembly. Among the subjects that will claim your attention, are the amendment of the law in relation to the compensation of Sheriffs for the removal of convicts to the State Prison—the expediency of investing Clerks of Courts with power to order the holding of elections for Justices of the Peace—the decision of the Supreme Court, on the subject of the amendment of Statutes—and the extent to which it will become your duty to revise the laws affected by that decision.

We cannot be indifferent spectators to the action of the General Government and to the political events of the day. The past year has been one of unusual political excitement; and, to the patriot, it must be a source of regret to perceive that this excitement has, in no small degree, evinced a dangerous spirit of sectionalism.

Indiana, as a State, has wisely selected her own domestic policy; and the people feel that they have the right, from time to time, to change or modify that policy. Satisfied with the degree of prosperity that we have attained under our own free institutions, we have uniformly respected the constitutional rights of each member of the confederacy; and no just cause of complaint against Indiana can be made by any State of the Union.

Whatever views may be entertained by others, it is my deliberate opinion that, at this day, the people of no State are more national in their political sympathies than are the citizens of Indiana. En-

joying the privilege of making our own laws, in our own way, on all subjects not prohibited by the constitution of the United States, we acknowledge the existence of a similar right in the people of every other State and Territory in the Union. I know of no other principle but this, upon which we can stand with safety and honor. It is the chief corner-stone on which, under God, the security and perpetuity of the Union rests. If we cannot maintain this position, there is no hope of peace and harmony in the future. Whenever we abandon this stand, we shall lend our influence in invoking that worst of all political calamities, a dissolution in feeling and sympathy of the members of this great confederacy—thus transforming moral and fraternal ties that bind us together, into mere galling and oppressive physical forces.

Our only hope of perpetuating our institutions in all their original vigor and purity, rests upon the adoption of that system of legislation that throws the several States and Territories of the Union more and more upon their own resources, and confines the action of the General Government within the limits defined by the constitution.

Ardently desiring to co-operate with you, in all that will advance the interests of our beloved commonwealth, and looking to that Being who, alone, is able to guide us in the paths of wisdom, you have my warmest aspirations, that all your proceedings, at this interesting and critical period in our history, may have a tendency to increase the strength and maintain the honor of our State, and promote the happiness and prosperity of the people.

JOSEPH A. WRIGHT.

The Senate then returned to their chamber,  
When,

The President laid before the Senate the following communication from the principal Secretary :

SENATE CHAMBER, }  
January 5th, 1855. }

Hon. A. P. WILLARD,  
*President of the Senate :*

You will please lay before the honorable body, over which you preside, the enclosed communication.

Very Respectfully,

SOLON TURMAN,

*Secretary of the Senate.*

Your Secretary, in obedience to the resolution adopted on yesterday, in relation to the cost per copy of several newspapers of this city and the pre-payment by publishers of the postage thereon ; and also as to what arrangements can be made with the Postmaster of

this city for the transmission of both newspapers and documents by mail from the members of the Senate, begs leave to submit the following

## REPORT.

Austin H. Brown & Co. will furnish three copies of the "Daily State Sentinel"—two copies to be enveloped and one not—at the rate of four cents per copy. They decline answering concerning the pre-payment of postage.

The publishers of the "Indiana Journal" will furnish to the Senate, each member, three copies of their Daily Journal—two copies to be enveloped and one without envelope—at four cents per copy. They also decline answering concerning the pre-payment of postage.

Chapman & Barney will furnish the number of copies designated of the "Indiana Republican"—two copies to be enveloped and one open—at 30 cents per copy during the session of the General Assembly; and will charge two cents per copy additional, each week, for so many as they may have to pay the postage on.

The "Locomotive" will be furnished as desired at the rate of two cents per copy without postage, and three cents per copy, postage paid.

Any required number of copies of the "Volks Blatt" will be furnished at the following rates: Without postage stamped 4 cents per copy, with postage stamped 5 cents per copy.

The publication of the "Temperance Union" is suspended.

All of which is respectfully submitted.

SOLON TURMAN,

*Secretary of the Senate.*

Mr. Tarkington, from a select committee, made the following report:

MR. PRESIDENT:

The select committee who were appointed to procure the services of some minister of the Gospel to open the Senate with prayer on to-morrow morning, report that they have procured the services of Dr. Wm. M. Daily for such purpose.

On motion by Mr. Anthony,

The Senate adjourned until to-morrow morning at 9 o'clock.

SATURDAY MORNING, 9 o'clock, }  
January 6th, 1855. }

The Senate met.

The Journal of yesterday was read.

When,

On motion by Mr. Spann,

The Journal was so amended as to strike out so much of the communication of the Principal Secretary, as embraces the reply of the Postmaster of this city, in answer to a resolution of the Senate.

Under a resolution of the Senate of yesterday,

The Rev. Wm. M. Daily, D. D., appeared in the chamber and opened the Senate by prayer.

#### RESOLUTIONS.

On motion by Mr. Glazebrook,

*Resolved*, That the message of the Governor be referred to the committee of the whole and made the special order for Monday next at 2 o'clock, and that five thousand copies be printed for the use of the Senate, and five hundred copies be furnished to the Governor to be put up as he may direct, and that one thousand additional copies be printed in the German language.

Mr. McDowell offered the following resolution:

*Resolved*, That the Secretary of the Senate be authorized to contract with the several publishers of the Daily Sentinel, Daily Journal, Locomotive, Volks Blatt, Republican, and Western Transcript, for three copies of each, to each member of the Senate, at their regular prices paid by subscribers—two enveloped and one open.

Mr. Brown moved to amend the resolution by striking out "at their regular prices paid by subscribers," and insert in lieu thereof, "on the most favorable terms."

The ayes and noes being demanded by Senators Griggs and Shields,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brown, Cutshaw, Drew, Hawthorn, Hosbrook, Kightley, Rugg, Slater, Spann, Suit, Tarkington, and Woods.—14.



*Those who voted in the negative were,*

Messrs. Barnett, Bearss, Brookshire, Burke, Combs, Crane, Cravens, Crouse, Ensey, Freeland, Glazebrook, Griggs, Harris, Helm, Hendry, Hostetler, Jackson of Madison, Jackson of Tipton, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Sage, Shields, Shook, Vandevanter, Weston, Williams, Wilson and Witherow—36.

So the amendment was not adopted.

The question then recurring on the adoption of the original resolution,

The ayes and noes were demanded by Senators Griggs and Williams.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Cutshaw, Drew, Ensey, Hawthorn, Hosbrook, Kightley, McDowell, Parker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Slater, Spann, Suit, Tarkington, Vandevanter and Weston—18.

*Those who voted in the negative were,*

Messrs. Barnett, Bearss, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Freeland, Glazebrook, Griggs, Harris, Helm, Hendry, Hostetler, Jackson of Madison, Jackson of Tipton, McCleary, Mansfield, Mathes, Meeker, Reynolds, Robinson, Sage, Shields, Shook, Williams, Wilson, Witherow and Woods—30.

So the resolution was not adopted.

On motion by Mr. Spann,

*Resolved*, That when the Senate adjourn, it adjourn to meet on Monday morning 9 o'clock.

#### BILLS INTRODUCED.

By unanimous consent,

Mr. Freeland introduced,

Senate bill No. 1. A bill in relation to the Sabbath day, defining the penalty for the desecration thereof.

Which was read the first time and passed to a second reading.

By unanimous consent,

Mr. Cutshaw introduced,

Senate bill No. 2. A bill in relation to the final record in the courts in this State.

Which was read a first time and passed to a second reading.

On motion by Mr. Brown,  
The Senate adjourned.

MONDAY MORNING, 9 O'CLOCK, }  
January 8, 1855.

The Senate met.

The Journal of Saturday was read.

The President announced the following Standing Committees of the Senate:

## STANDING COMMITTEES.

### ELECTIONS.

Messrs. Shields, Vandevanter, Slater, Wilson and Spann.

### FINANCE.

Messrs. McCleary, Meeker, Rugg, Cravens, Drew, Richardson of Spencer, Williams and Mathes.

### JUDICIARY.

Messrs. Anthony, Witherow, Harris, Kightley, Suit, Hendry, Shields, McCleary and Brown.

### ON THE ORGANIZATION OF COURTS.

Messrs. Rugg, Glazebrook, Griggs, Hawthorn, Shields, Tarkington, Burke and Vandevanter.

## FEDERAL RELATIONS.

Messrs. Slater, Wilson, Ensey, Mathes, Meeker, Richardson of Spencer, Parker, Barnett and Glazebrook.

## EDUCATION.

Messrs. Tarkington, Witherow, Freeland, Hendry, Alexander, Rugg, Woods, Shields and Brookshire.

## CORPORATIONS.

Messrs. Richardson of St. Joseph, Glazebrook, Ensey, Cutshaw, Hawthorn, Shook, McCleary, Crouse and Drew.

## MILITARY AFFAIRS.

Messrs. Spann, Wilson, Reynolds, Robinson and Mansfield.

## ROADS.

Messrs. Mansfield, Barnett, Combs, Ensey, Hostetler, Jackson of Tipton and Cravens.

## CANALS AND INTERNAL IMPROVEMENT.

Messrs. Drew, Hawthorn, Freeland, Combs, Crouse, Suit, Barnett, McDowell, Bearss, Weston, Rugg, Burke, Griggs, Cravens, Robinson, Mathes, Ensey, Brookshire, Glazebrook, Kightley, Reynolds, Richardson of Spencer and Alexander.

## TOWN OF INDIANAPOLIS

Messrs. Barnett, Hosbrook, Jackson of Tipton, Williams, Weston, Sage and Hostetler.

## CLAIMS.

Messrs. Reynolds, Suit, Mathes, Bearss, Cravens, Cutshaw and Alexander.

## STATE PRISON.

Messrs. Cutshaw, Woods, Mathes, Suit, Spann, McDowell and Alexander.

## ON PUBLIC EXPENDITURES.

Messrs. Jackson of Tipton, Williams, Barnett, Spann, and Weston.

## ON BANKS.

Messrs. Alexander, Kightley, Shook, Slater, Harris, Rugg, Jackson of Tipton, Jackson of Madison, Suit, and Crane.

## ON MANUFACTURES.

Messrs. Sage, Hostetler, Jackson of Madison, Parker, Brookshire, and Crane.

## ON AGRICULTURE.

Messrs. Richardson of Spencer, Jackson of Madison, Bearss, nett, McDowell, Ensey, Burke, Shields, and Meeker.

## ON UNFINISHED BUSINESS.

Messrs. Brookshire, Parker, Richardson of St. Joseph, Sage, and Spann.

## ON BENEVOLENT INSTITUTIONS OF THE STATE.

Messrs. Brown, Shields, Freeland, Wood, Cutshaw, Crane, Hosbrook, Richardson of St. Joseph, and Hendry.

## ON SWAMP LANDS.

Messrs. Hosbrook, Jackson of Tipton, Jackson of Madison, Hawthorne, Shields, Parker, and Barnett.

## ON TEMPERANCE.

Messrs. Woods, Hawthorne, Sage, Ensey, Burke, Weston, Crane, Hosbrook, Wilson, Crouse, and Williams.

## ON COUNTY AND TOWNSHIP BUSINESS.

Messrs. Shook, Witherow, Brown, Robinson, Meeker, Drew and Richardson of Spencer.

## ON PHRASEOLOGY AND ARRANGEMENT OF BILLS.

Messrs. McDowell, Shook, Wilson, Williams, and Mathes.

## ON PRINTING.

Messrs. Hawthorne, Spann, Combs, Mathes, and Meeker.

## ON ENROLLED BILLS.

Messrs. Hostetler, Freeland, Vandevanter, Jackson of Madson, Richardson of St. Joseph, and Helm.

## JOINT COMMITTEES.

## ON PUBLIC BUILDINGS.

Messrs. Jackson of Madison, Helm, and Brown.

## ON STATE LIBRARY.

Messrs. Kightly, Suit, and Anthony.

## ON CANAL FUND.

Messrs. Glazbrook, Harris, and Drew.

The following is the select committee appointed under a resolution of the Senate, (on Friday last,) for the purpose of appointing and districting the State for Senatorial and Representative purposes, viz :

Messrs. Rugg, Richardson of Spencer. Mathes, Shields, Robinson, Burke, Brown, Combs, Crouse, Barnett, and Hendry.

## PETITIONS, MEMORIALS, REMONSTRANCES, ETC.

Mr. Harris presented a petition from citizens of Elkhart county, on the subject of reinstating the school district system, and abolishing the consolidation of the school funds ;

Which,

On motion by Mr. Harris,  
Was referred to the Committee on Education.

## RESOLUTIONS.

On motion by Mr. Spann,

*Resolved*, That the committee on Education be instructed to enquire into the expediency of reporting a bill to the Senate, at their earliest convenience, providing, 1st, For the restoration of the District system, with not less than two trustees; 2d, For the restoration of the 16th section to the "inhabitants of the townships," in which they are situate; and, 3d, Dispensing with the services of the State Superintendent of Common Schools.

On motion by Mr. Hendry,

*Resolved*, That the Secretary of the Senate be directed to procure for the use of the members of the Senate one hundred copies of the decision of the Supreme Court on the subject of the amendment of the statutes.

On motion by Mr. Glazebrook,

*Resolved*, That the committee on Benevolent Institutions be instructed to investigate the manner in which the fiscal operations of the Benevolent Institutions of the State have been conducted during the past year, and report the result of such investigation to the Senate.

By unanimous consent of the Senate,  
The order of business was suspended,  
When,

On motion by Mr. Suit,

The resolutions and papers relative to the contested seat of the Senator from Huntington and Wells was taken from the table, and referred to the committee on Elections.

Mr. Hostetler offered the following resolution:

*Resolved*, That the Doorkeeper be instructed to contract with the publishers of the Daily Sentinel and Journal, for three copies of their paper for each member, two with envelopes and one without, at the usual rate of furnishing to subscribers, and with the publisher of the Volksblatt, for three copies of his weekly with envelopes, and with the publishers of the Republican and Locomotive, for three of each of their papers, two copies enveloped and one open.

Mr. Witherow moved to amend the resolution by striking out from the word "Resolved," and insert, "That the Senate will take no papers at the expense of the State."

Mr. Slater moved to lay the amendment on the table;  
 When,  
 The ayes and noes were demanded by Senators Vandevanter and Crane.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brown, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Glazebrook, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, McCleary, McDowell, Mansfield, Mathes, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shook, Slater, Spann, Suit, Tarkington and Weston—30.

*Those who voted in the negative were,*

Messrs. Combs, Freeland, Griggs, Harris, Helm, Hendry, Meeker, Parker, Robinson, Shields, Vandevanter, Wilson and Witherow—13.

So the amendment was laid on the table.

The question then recurring on the adoption of the resolution,  
 It was agreed to.

#### BILLS INTRODUCED.

By unanimous consent of the Senate,  
 Mr. Griggs introduced,

Senate bill No. 3. A bill to amend section 78, of article 8, of an act entitled "An act to revise, simplify, and abridge the rules of practice, pleadings, and forms in criminal actions in the courts of this State," approved June 17, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
 Mr. Hosbrook introduced,

Senate bill No. 4. A bill supplemental to an act, entitled an "Act to regulate the sale of the swamp lands, donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the condition of said grant," approved May 29, 1852.

Which was read a first time and passed to a second reading.



## ORDERS OF THE DAY.

*Senate Bills on Second Reading.*

No. 1. A bill in relation to the Sabbath day, defining the penalty for the desecration thereof,

Was read a second time.

Mr. Shook moved to refer the bill to the Judiciary committee with the following instructions:

SEC. ——. If any person of the age of fourteen years, or upwards, shall be found on the first day of the week, commonly called Sunday, rioting, hunting, fishing, quarreling, or at common labor, works of charity and necessity only excepted, such person shall be fined in any sum not less than one dollar nor more than three dollars; but nothing herein contained shall be construed to affect such as conscientiously observe the seventh day of the week as the Sabbath, travelers, families removing, keepers of toll bridges attending the same, or ferry-men acting as such.

Which was not agreed to.

When,

On motion by Mr. Anthony,

The bill was referred to the judiciary committee.

No. 2. A bill in relation to the final record in the courts in this State.

Was read a second time.

When,

On motion by Mr. Cutshaw,

Was referred to the judiciary committee.

The President laid before the Senate the report of the resident trustee of the Wabash and Erie Canal.

When,

On motion by Mr. Drew,

Said report was referred to the committee on canals and internal improvements.

On motion by Mr. Spann,

The vote to refer the report to said committee was reconsidered.

When,

On motion by Mr. Spann,

Said report was referred to the committee on canals and internal improvements, and the usual number of copies ordered to be printed for the use of the Senate.

On motion by Mr. Hosbrook,

The Senate adjourned until 2 o'clock P. M.



2 o'clock P. M.

The Senate met.

The hour having arrived, the Senate resolved itself into committee of the whole, on the Governor's Message, Senator Glazebrook in the chair;

And after spending some time in consideration thereof, the committee rose and submitted the following report, through their chairman:

Mr. PRESIDENT:

The committee of the whole Senate, to whom was referred the annual message of his Excellency, the Governor of Indiana, have had the same under consideration, and have directed me to report that they have adopted sundry resolutions in relation thereto, in which the concurrence of the Senate is respectfully requested.

*Resolved*, That so much of the Governor's message as relates to the subject of Education be referred to the committee on that subject.

*Resolved*, That that part of the Governor's message which refers to the subject of Swamp Lands, be referred to the committee on Swamp Lands.

*Resolved*, That so much of the Governor's message as relates to the propriety of creating the office of Attorney General, be referred to the Committee on the Judiciary.

*Resolved*, That so much of the Governor's message as relates to Benevolent Institutions, be referred to the Committee on that subject.

*Resolved*, That so much of the Governor's message as relates to the State University, be referred to the committee on Education.

*Resolved*, That that part of the Governor's message that relates to Agriculture, be submitted to the Committee on Agriculture.

*Resolved*, That so much of the Governor's message as relates to the Liquor Traffic, be referred to the Committee on Temperance.

*Resolved*, That so much of the Governor's message as relates to enclosing the Military Grounds, be referred to the Committee on Military Affairs.

*Resolved*, That so much of the Governor's message as relates to the salaries of the Judges be referred to the Committee on the Organization of Courts.

*Resolved*, That so much of the Governor's message as relates to the State's interest in the State Bank, and for the appointment of commissioners to settle the same, be referred to the Committee on Banks.

*Resolved*, That so much of the Governor's message as relates to African Colonization, be referred to the Committee on Federal Relations.

*Resolved*, That that part of the Governor's message which has reference to the Banks, be referred to the Committee on Banks.

*Resolved*, That so much of the Governor's message as relates to the Deaf and Dumb Asylum, be referred to the Committee on Benevolent Institutions.

*Resolved*, That so much of the Governor's message as relates to Railroads, be referred to the Committee on Corporations.

*Resolved*, That so much of the Governor's message as relates to the security and perpetuity of the Union be referred to hearts of the people.

*Resolved*, That so much of the Governor's message as relates to the selling out of the State Prison, be referred to the Committee on the State Prison.

*Resolved*, That so much of the Governor's message as relates to the Wabash and Erie Canal, be referred to the Committee on Canals and Internal Improvements.

*Resolved*, That so much of the Governor's message as relates to the erection of Houses of Refuge, be referred to the Committee on the State Prison.

*Resolved*, That so much of the Governor's message as relates to Corporations, be referred to the Committee on Corporations.

*Resolved*, That so much of the Governor's message, as relates to Secret Associations and mob-law, be referred to the Committee on the Judiciary.

*Resolved*, That so much of the Governor's message as relates to the Three per cent. Fund, be referred to the Committee on Finance.

*Resolved*, That so much of the Governor's message as relates to Railroad Accidents, be referred to the Committee on the Judiciary

*Resolved*, That so much of the Governor's message as relates to the subject of providing suitable buildings for the State Offices at the seat of Government, be referred to the Committee on Finance.

*Resolved*, That so much of the Governor's message as relates to a Geological Survey of the State, be referred to the Committee on Agriculture.

*Resolved*, That so much of the Governor's message as relates to the additional responsibility of the labors of State Treasurer in relation to the Swamp Lands, be referred to the Committee on Finance.

*Resolved*, That so much of the Governor's message as relates to the people enjoying the privilege of making their own laws, in their own way, be referred to the Committee of "Know Nothings."

*Resolved*, That so much of the Governor's message as refers to enclosing the State House Square with an iron fence, be referred to the Committee on Public Expenditures.

*Resolved*, That so much of the Governor's message as relates to the inequality in the appraisement and value of real estate and improvements, be referred to the Committee on Finance.

*Resolved*, That that portion of the Governor's message which refers to the Independence of the Republic of Liberia in Africa, be referred to the Committee on Federal Relations.

*Resolved*, That so much of the Governor's message as refers to Elections, be referred to the Committee on Elections.

*Resolved*, That so much the Governor's message as relates to creating a Board of State Stock Bank Commissioners, be referred to the Committee on Banks.

*Resolved*, That so much of the Governor's message as relates to the Madison and Indianapolis Railroad, be referred to the Committee on Finance.

*Resolved*, That so much of the Governor's message as relates to a treaty between the United States and France be referred to the Committee on Federal Relations.

*Resolved*, That so much of the Governor's message as relates to raising of five cents on the one hundred dollars for the purpose of redeeming the State Bonds be referred to the Committee on Finance.

*Resolved*, That so much of the Governor's message as relates to Secret Societies be referred to the Committee on Elections.

*Resolved*, That so much of the Governor's message as refers to the appointment of Brigadier Generals, and the number of Military Commissions issued, be referred to the Committee on Military Affairs.

The President laid before the Senate the following communication from the President of the Board of Trustees of the State University.

Hon. A. P. WILLARD,  
*President of the Senate :*

Sir:—Please lay before the Senate over which you preside, the accompanying Report of the Board of Trustees of Indiana University supplemental to their Annual Report heretofore submitted, and oblige

Your obedient servant,

JOHN I. MORRISON,  
*President of the Board.*

INDIANAPOLIS, January 8th, 1855.

When,

On motion by Mr. Alexander,

The Report was laid on the table, and five hundred copies ordered to be printed.

By unanimous consent

Mr. McDowell offered the following resolution :

*Resolved*, That one hundred copies of the Standing Committees of the Senate be printed for the use of the Senate.

Which was agreed to.

By unanimous consent

Mr. Hosbrook offered the following resolution :

*Resolved*, That the Door-keeper be and hereby is authorized to call on the Auditor of State for an order on the Treasurer for money sufficient to purchase post office Stamps, to be equally distributed between the members of the Senate, sufficient for the pre-payment of Newspapers and Documents furnished for distribution.

Which was agreed to.

By unanimous consent

Mr. Cutshaw offered the following resolution :

*Resolved*, That the Committee on Temperance be instructed to enquire into the expediency of prohibiting, by law, the manufacturing or sale of intoxicating liquors within the State of Indiana, and to report by bill or otherwise.

Which was agreed to.

By unanimous consent of the Senate,  
Mr. Jackson, of Tipton, introduced

Senate Bill No. 5. A bill to amend the thirty-second and seventy-fifth sections of an Act entitled "an Act fixing the time of holding the Courts of Common Pleas, and the length of terms thereof, in the several counties in this State," "approved March 4th, 1853,"

Was read a first time and passed to a second reading.

By unanimous consent of the Senate,  
Mr. Glazebrook offered the following resolution :

*Resolved*, That the Agent of the Indiana Colonization Society be requested, at as early a day as practicable, to furnish the Senate a statement in relation to the operations of said agency during the year 1854; the amount of money that has been expended out of the State Treasury for said object; the number of colored persons, if any, that have signified a willingness to emigrate to Liberia, and all facts in his possession in relation to said population within this State.

Which was agreed to.

By unanimous consent of the Senate,  
Mr. Tarkington offered the following resolution :

*Resolved*, That the Committee on the Organization of Courts be instructed to enquire into the expediency of requiring each Term of the Circuit and Common Pleas Court to commence their Terms on Tuesday instead of Monday.

Which was agreed to.

By unanimous consent of the Senate,  
Mr. Woods introduced

Senate Bill No. 6. A Bill for the protection of the Sabbath.  
Was read a first time and passed to a second reading.

By unanimous consent of the Senate  
Mr. Hawthorne offered the following resolution :

*Resolved*, That the President of the Senate, Principal and Assistant Secretary be entitled to an equal number of papers each to correspond with the number each Senator receives.

Which was agreed to.

By unanimous consent of the Senate  
Mr. Freeland offered the following resolution :

*Resolved*, That the committee on county and township business be instructed to abolish the law assessment by townships and restore it to that of assessment by a county assessor.

Which was not agreed to.

On motion by Mr. Tarkington,  
The Senate adjourned until to-morrow morning 9 o'clock.

TUESDAY MORNING, 9 o'clock, }  
January 9th, 1855. }

The Senate met.

The Journal of yesterday was read.

The President laid before the Senate the following communication from the Door-keeper :

SENATE CHAMBER, }  
Jan. 9th, 1855. }

Hon. A. P. WILLARD,  
*President of the Senate :*

You will please lay before the Senate the following communication.  
Respectfully,

CHAS. G. WARNER, *Door-keeper.*

The publishers of the Daily State Sentinel and Daily Journal decline contracting to furnish their papers for the use of the Senate at the "usual rates." They now propose to furnish them at 3½ cents per copy,

CHAS. G. WARNER, *Door-keeper.*

#### PETITIONS, MEMORIALS, REMONSTRANCES, ETC.

Mr. Crouse presented a memorial of the officers and attorneys of the courts of Tippecanoe county, on the subject of the courts of said county,

Which,

On motion by Mr. Alexander,

Was referred to the Committee on the Organization of Courts.

#### RESOLUTIONS.

On motion by Mr. Meeker,

*Resolved*, That the Committee on Banks be requested to report a Bill amendatory to the Bank Law, throwing around guards more efficiently to secure the bill holder, and to report as soon as convenient.

On motion by Mr. Hosbrook,

*Resolved*, That the Committee on the Judiciary be instructed to report, by bill or otherwise, making provision for the acceptance of Constable's Bonds.



On motion by Mr. Hawthorne :

*Resolved*, That the State Librarian be requested to furnish the Public Printer a copy of the Geological Survey of the State of Indiana, by Doctor R. T. Brown, which will be found in the latter part of the Indiana Agricultural Report for 1853, with instructions that five hundred copies be published for the use of the Senate.

On motion by Mr. Richardson, of St. Joseph :

*Resolved*, That the judiciary committee be requested to inquire into the expediency of rendering Railroad Companies liable for unusual delay in the delivery of freights, and to report by bill or otherwise.

On motion by Mr. Brookshire :

*Resolved*, That the committee on Banks be instructed to inquire into the expediency of reporting a bill to restrict or prevent the circulation of bank bills of less denomination than five dollars.

Mr. Tarkington offered the following resolution :

*Resolved*, That the committee on Finance be instructed to report a bill abolishing the office of township assessor, and to provide for county assessors.

When,

On motion by Mr. Tarkington,  
The resolution was laid on the table.

On motion by Mr. Anthony :

*Resolved*, That two additional Senators be added to the committee on judiciary.

Whereupon,

Messrs. Vandevanter and Slater were appointed upon said committee.

On motion by Mr. Anthony,

*Resolved*. That the committee on the Judiciary be instructed to report a bill authorizing the counties of White, Benton, Jasper, Lake, Porter, Pulaski, Stark, and Laporte to unite their means and the money received for the sale of swamp lands, to complete the drainage of the marshes on the borders of the Kankakee river and to straighten the channel of said river.

On motion by Mr. Suit,

*Resolved*, That the Door-keeper be authorized to contract with the publishers of the newspapers of this city for the number of newspapers authorized in the resolution of yesterday, on the terms proposed by the publishers, said publishers to pay the postage on the two papers enveloped.

On motion by Mr. Alexander,

*Resolved*, That a committee of three be appointed on rules of the Senate,

Whereupon,

Senators Alexander, Sage, and Tarkington were appointed said committee.

On motion by Mr. Cutshaw,

*Resolved*, That the Auditor of State be instructed to report to the Senate the amount of stocks of each State respectively, and of the United States deposited with him as banking capital.

#### JOINT RESOLUTIONS INTRODUCED.

By unanimous consent,  
Mr. Shields introduced

Senate joint resolution No. 1. A joint resolution in relation to the collection of taxes,

Was read a first time and passed to a second reading.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Parker introduced

Senate Bill No. 7. A bill supplemental to an act providing for the election of justices of the peace, and defining their jurisdiction, powers and duties in civil cases, approved, January 9th, 1852.

Was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Witherow introduced,

Senate bill No. 8. A bill for the relief of the borrowers of the common school fund, and the purchasers of school lands belonging to the State of Indiana.

Was read a first time and passed to a second reading.

## ORDERS OF THE DAY.

*Senate Bills on Second Reading.*

No. 3. A bill to amend section 78, of article 8, of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852.

Was read a second time.

On motion by Mr. Slater,

The bill was referred to the committee on Organization of Courts.

No. 4. A bill supplemental to act entitled "an act to regulate the sale of Swamp Lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant," approved May 29, 1852.

Was read a second time; and,

On motion by Mr. Hosbrook,

Referred to the committee on Swamp Lands.

No. 5. A bill to amend the 32d and 75th sections of "an act entitled an act fixing the time of holding the courts of common pleas, and the length of terms thereof in the several counties in this State," approved March 4, 1853.

Was read a second time and ordered to be engrossed.

No. 6. A bill for the protection of the Sabbath.

Was read a second time; and,

On motion by Mr. Slater,

Referred to the Judiciary committee.

Mr. Spann moved that 100 copies of Senate bill No. 6 be printed for the use of the Senate.

The ayes and noes were demanded by Senators Griggs and Spann.

*Those who voted in the affirmative were,*

Messrs. Alexander, Cutshaw, Ensey, Freeland, Harris, Hawthorn, Kightley, Richardson of St. Joseph, Shields, Slater, Spann and Weston—12.

*Those who voted in the negative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Brown, Burk, Combs, Crane, Cravens, Crouse, Drew, Glazebrook, Griggs, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, McClea-

ry, McDowell, Mansfield, Mathes, Meeker, Parker, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Williams, Witherow and Woods—31.

So the motion was not agreed to.

When,

On motion by Mr. Slater,

The bill was referred to the Judiciary committee.

The following message from the House was taken up:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill thereof:

Bill No. 1. "A bill to repeal all laws now in force establishing the times of holding circuit courts in the second judicial circuit, and to fix the times of holding said courts."

The bill contained in the foregoing message was read a first time.

Mr. Cutshaw moved to suspend the rules and read the bill a second time by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burk, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Tarkington, Vandevanter, Weston, Williams, Wilson, and Woods—49.

No Senator voting in the negative.

So the rule was suspended and the bill read a second time by its title, and ordered to a third reading.

Mr. Woods moved to suspend the rule and read the bill a third time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burk, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary,

McDowell, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Tarkington, Vandevanter, Weston, Williams, Witherow, and Woods—46,

Mr. Hawthorn voting in the negative.

So the bill was ordered to a third reading.

The bill was read a third time.

When,

On motion by Mr. Witherow,

It was laid on the table.

On motion by Mr. Griggs,

The vote referring

Senate bill No. 3. A bill to amend section 78, of article 8, of "an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State, approved June 17, 1852,

To the committee on the organization of courts,

Was reconsidered.

When,

On motion by Mr. Brown,

The bill was referred to the judiciary committee.

On motion by Mr. Brown.

The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

On motion by Mr. Witherow,

Bill of the House No. 1. "A bill to repeal all laws now in force establishing the time of holding circuit courts in the second judicial circuit, and to fix the times of holding said courts,"

Was taken from the table, and the question then being,  
Shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland,

Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hesbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson and Witherow—47.

No Senator voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

The President laid before the Senate the Report of the Warden of the State Prison,

When,

On motion by Mr. Hawthorn,

The Report was laid on the table, and three hundred copies ordered to be printed.

Mr. Cravens presented the papers, in the case of the contested seat of the Senator from Harrison county,

Which,

On motion,

Were referred to the Committee on Elections.

On motion by Mr. McCleary,

*Resolved*, That the Committee on the Judiciary be requested to enquire into the expediency of reporting a bill, by which debtors in all assignments to their creditors, shall be denied the privilege of preference, and that their assets shall be distributed pro-rata.

Mr. Brookshire offered the following resolution :

*Resolved*, That the committee on education be authorized to employ a clerk.

Which was not agreed to.

On motion by Mr. Anthony,

The Senate adjourned.



WEDNESDAY MORNING, 9 o'clock, }  
January 10th, 1855. }

The Senate met.

The Journal of yesterday was read.

The President laid before the Senate the following communication from the Auditor of State.

OFFICE OF STATE AUDITOR, }  
Indianapolis, January 10th, 1855. }

HON. A. P. WILLARD,  
*President of the Senate :*

SIR: I have the honor to acknowledge the receipt of the following resolution of the Senate, passed Jan. 9th, viz :

“ *Resolved*, That the Auditor of State be instructed to report to the Senate the amount of Stocks of each State respectively, and of the United States, deposited with him as banking capital.”

In reply thereto, I would most respectfully refer the Honorable body over which you preside, to my official report, pages 192, 193 and 194, (Appendix,) where the information they desire may be found.

I have the honor to be, sir,

Your obe't serv't.

JOHN P. DUNN,  
*Auditor of State.*

The President laid before the Senate a Memorial from the State Board of Agriculture on the subject of a Geological Survey of the State,

Which,

On motion by Mr. Brown,

Was laid on the table, and one hundred copies ordered to be printed.

The President laid before the Senate the following communication from Rev. J. Mitchell, Agent of the Colonization Society, in answer to a resolution of the Senate :

HON. A. P. WILLARD,  
*President of the Senate of the State of Indiana :*

SIR: I have the honor to acknowledge the receipt of the resolu-

tion of inquiry in relation to Colonization, adopted by your branch of the General Assembly on the 8th inst. And I herewith respectfully submit an answer thereto.

Yours, with much respect,

J. MITCHEL, *Agent Col. Society.*

Indianapolis, Jan. 9, 1855.

When,

On motion by Mr. Hosbrook,

The communication and accompanying papers were referred to the committee on Federal Relations, and five hundred copies ordered to be printed.

#### PETITIONS, MEMORIALS, REMONSTRANCES, &C.

By Mr. Crouse.

A petition from sundry citizens of this State, on the subject of a Prohibitory Law, embodying the principles of search, seizure, confiscation and destruction, which shall effectually prevent the traffic in intoxicating liquors.

Which was,

On motion,

Referred to the committee on Temperance.

#### RESOLUTIONS.

On motion by Mr. Wilson,

*Resolved*, That the committee on the Judiciary, be, and they are hereby instructed to inquire as to the expediency of reporting a bill repealing "an act to regulate the taking of appeals from the courts of common pleas," as approved March 4th, 1853.

On motion by Mr. Helm,

*Resolved*, That the committee on Banks be requested to report a bill requiring that the Auditor of State shall forthwith cause to be closed and wound up, all Free Banks within the State, that shall have suspended specie payment for thirty days, and all banks that shall hereafter suspend specie payment for ten days.

On motion by Mr. Drew,

*Resolved*, That the committee on Banks be requested to bring in a bill providing that one-half of the capital stock of each bank shall be owned in the county in which each bank shall be located.

On motion by Mr. Shook,

*Resolved*, That the committee on banks be and they are hereby instructed to report a bill at their earliest convenience, to prevent the issue and delivery of any more free bank paper by the Auditor of State to the free bankers.

On motion by Mr. Brookshire,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of so amending chapter 16, volume second, Revised Statutes, so as to compel the execution debtor, after the officer has executed and made a schedule of his property, to file an affidavit that he has no property, money or effects by which any debt could be made except that mentioned in said schedule, and the officer making such schedule, be authorized to administer said oath and return the same to the justice or court who issued said execution.

Mr. Anthony offered the following resolution:

*Resolved*, That owing to the press of business and the amount of Legislation to be done at the present session of the Legislature, the committees be authorized to employ clerks, and that said clerks receive their per diem while in the service of said committees.

Mr. Griggs moved to amend the resolution by striking out the word "committees," and inserting in lieu thereof the words "judiciary committee."

Which was not agreed to.

The question then recurring on the adoption of the original resolution,

It was agreed to.

Mr. Tarkington offered the following resolution:

*Resolved*, That the committee on the Organization of Courts be instructed to report a bill to abolish the regular pannel of petit jurors and to provide for their selection from by-standers.

When,

On motion by Mr. Vandevanter,  
The resolution was laid on the table.

On motion by Mr. Hostetler,

*Resolved*, That the committee on education be requested to inquire into the expediency of amending the common school law so that all assessments and collections on the polls and taxable property of the citizens of this State for common school purposes shall be distributed in the counties in which the same shall have been assessed and collected.

On motion by Mr. Barnett,

*Resolved*, That the Auditor of State be requested to communicate to the Senate the reasons for his refusal to patent a larger amount than forty acres of swamp lands in one patent.

Mr Hendry offered the following resolution :

*Resolved*, That the committee on the organization of courts be instructed to enquire into the expediency of abolishing the court of common pleas and transferring the business therein to the circuit court, and authorize more frequent terms of the circuit court.

Which was not agreed to.

On motion by Mr. Richardson, of St. Joseph,

*Resolved*, That the judiciary committee be requested to inquire into the expediency of so amending the interest law as to allow the collection of TEN per cent. per annum on contracts.

On motion by Mr. Shook,

*Resolved*, That the committee on the judiciary be instructed to inquire into the propriety of abolishing the existing system of common pleas courts; and that with a view thereto, they inquire into the comparative cost of said common pleas system and a system of circuit courts sufficiently extensive to exercise all jurisdiction now exercised by said common pleas courts, with convenient dispatch, and make report in relation thereto at an early day of the present session of the General Assembly.

On motion by Mr. Glazebrook,

*Resolved*, That the committee on benevolent and scientific institutions be and they are hereby instructed to inquire into the propriety of passing a law authorizing the Superintendents of county asylums to bind out paupers of sound mind—males until the age of 21 and females until 18 years of age, who may be placed under their care, subject always to the approval or rejection of the board doing county business, and report by bill or otherwise.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Wilson introduced

Senate Bill No. 9. A bill to repeal an act to prohibit the evidence of Indians and persons having one-eighth or more negro blood, in all cases where white persons are interested.

Was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Robinson introduced

Senate bill No. 10. A bill to discourage swindling.  
Was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

##### *Senate Bills on Second Reading.*

No. 7. A bill supplemental to an act providing for the election of justices of the peace and defining their jurisdiction, powers and duties in civil cases, approved January 9th, 1852,

Was read a second time, and

On motion by Mr. Anthony,

Referred to the committee on organization of courts.

Senate bill No. 8. A bill for the relief of the borrowers of the common school fund, and the purchasers of school lands belonging to the State of Indiana,

Was read a second time, and

On motion by Mr. Brown,

Referred to the committee on Education.

No. 1. A joint resolution in relation to the collection of taxes,

Was read a second time, and

On motion by Mr. Shields,

Referred to the committee on finance.

#### SENATE BILLS ON THIRD READING.

No. 5. A bill to amend the 32d and 75th sections of an "act entitled an act fixing the time of holding the courts of common pleas, and the length of terms thereof in the several counties in this State," approved March 4, 1853.

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. S. J.—5.

Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Wilson and Witherow—44.

Mr. Bearss voted in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

A message from the House taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following resolution—

*Resolved*, That the House will, the Senate concurring, on to-morrow week (Tuesday) at 10 o'clock, A. M., in the Hall of the House of Representatives, proceed to the election of U. S. Senator, provided the Senate signify their assent by 10 o'clock, A. M., on Monday next, January 8th.

Mr. Anthony moved to amend the resolution contained in the foregoing message by striking out all after the word provided and insert, "That a committee of three on the part of Senate, and five on the part of the House be appointed to classify the various candidates into three classes, 1st, 2d and 3rd, the first class to be taken up by the joint committee in their order, each to be entitled to five trials of voting successively, until an election is made.

On motion by Mr. Suit,

The amendment was laid on the table.

On motion by Mr. Slater,

The message from the House containing the resolution was laid on the table.

On motion by Mr. Brown,

The Senate adjourned.

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2 O'CLOCK, P. M.

The Senate met.

The President laid before the Senate the following communication from James M. Ray, Cashier of the State Bank, with the accompanying reports from the cashiers of the branches of the State Bank at Richmond, New Albany, South Bend and Fort Wayne.



OFFICE OF THE STATE BANK OF INDIANA, }  
Indianapolis, January 9, 1855. }

Hon. A. P. WILLARD:

SIR: Herewith please receive annual reports of the branches of this bank, at Richmond, New Albany, South Bend and Fort Wayne. The reports of the State bank, and of each of the branches, have been delivered to the State Printer some days ago, made conformably with law.

Very respectfully,  
JAMES. M. RAY,  
Cashier.

When,

On motion by Mr. Brown,

The communication and reports were laid on the table, and one hundred copies ordered to be printed.

The President laid before the Senate the following communication and annual report of the Commissioners of the Sinking Fund.

OFFICE OF THE COMMISSIONERS OF THE SINKING FUND, }  
Indianapolis, January 9, 1855. }

Hon. A. P. WILLARD,  
*President of the Senate :*

SIR: Herewith please receive and lay before the Senate the annual report of the Board of Commissioners of the Sinking Fund.

Very Respectfully,  
Your obe't servant,  
E. DUMONT, *President.*

When,

On motion by Mr. Slater;

They were laid on the table, and 500 copies ordered to be printed.

Mr. Spann laid before the Senate additional papers in reference to the contested seat of the Senator from the county of Harrison,

Which,

On motion,

Were referred to the committee on elections.

On motion by Mr. Slater,

The Senate adjourned.

THURSDAY MORNING, 9 o'clock, }  
January 11, 1855. }

The Senate met.

The Journal of yesterday was read.

PETITIONS, MEMORIALS, REMONSTRANCES, &c.

By Mr. Witherow,

A memorial from the Society of Friends residing in the western part of Ohio, Indiana, Illinois and Iowa, on the subject of Temperance.

Which was,

On motion,

Referred to the committee on Temperance.

By Mr. Barnett,

The petition of sundry citizens of the county of Pulaski, on the subject of the desecration of the Sabbath.

Which was,

On motion,

Referred to the committee on Judiciary.

By Mr. Barnett,

A petition from sundry citizens of the counties of Pulaski and Jasper, on the subject of the formation of a new county.

Which was,

On motion,

Referred to a select committee consisting of Senators Barnett, Anthony, Richardson of St. Joseph, Parker and Spann.

REPORTS FROM COMMITTEES.

Mr. Shields, from the committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee to whom was referred a resolution instructing them to inquire into the propriety of abolishing the existing system of Common Pleas Courts, and the comparative cost of said Common Pleas system, and the system of Circuit Courts, have instructed me to report the same back, and ask its reference to the committee on the organization of Courts.

Which was concurred in.

Mr. Brown, from the committee on the Judiciary, made the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred a resolution of the Senate enquiring into the expediency of reporting a bill by which debtors, in all cases of assignment to their creditors, shall be deemed the privilege of preference, have had that subject under consideration, and have directed me to report that in the opinion of said Committee, legislation on that subject is unnecessary, and ask to be discharged from further consideration of said resolution.

Which was concurred in.

#### RESOLUTIONS.

On motion by Mr. Crane,

*Resolved*, That the committee on Roads, be requested to enquire into the expediency of making the tolls on roads at least fifty per cent. higher or more, and report by bill or otherwise, to this house.

Mr. Drew offered the following resolution:

*Resolved*, That the committee on Corporations be instructed to enquire into the expediency of reporting a bill levying a tax of two per cent. upon all premiums paid within this State, to foreign fire Insurance Companies, and that such tax be distributed by a proper officer, to the Fire Companies within the county in which such premiums shall be paid, and where no Fire Company exists, the amount of such tax to go into the hands of the State Treasurer, to be distributed by him among the several Fire Companies of the State, *pro rata*.

Which was not agreed to.

On motion by Mr. Anthony,

The vote on the foregoing resolution was reconsidered, and the resolution agreed to.

#### JOINT RESOLUTIONS.

By unanimous consent,

Mr. Anthony introduced,

Senate joint resolution No. 2. A joint resolution asking an appropriation from Congress for the improvement of the Michigan City harbor.

Which was read a first time and passed to a second reading.

#### BILLS INTRODUCED.

By unanimous consent,

Mr. Helm introduced,

Senate bill No. 11. A bill to prevent the signing or issuing of any bank bill, note or paper, to be used as currency, until the present banking law shall have been amended.

Which was read a first time.

Mr Shook moved to suspend the rules and read the bill a second time now, by its title.

The ayes and noes being taken under the Constitution.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Brown, Burk, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Helm, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Richard of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—46.

Messrs. Alexander and Hawthorn voting in the negative.

So the bill was read a 2d time by its title.

Mr. Robinson moved to further suspend the rules and read the bill a third time now.

Mr. Anthony moved to lay the above motion on the table,

Which was not agreed to.

The question then recurring on Mr. Robinson's motion to suspend the rules,

The ayes and noes being taken under the Constitution.

*Those who voted in the affirmative were,*

Messrs. Bearss, Burke, Combs, Crane, Cravens, Cutshaw, Griggs, Helm, Hendry, Richardson of St. Joseph, Robinson, Shook, Tarkington, Weston, Williams, Wilson, Witherow and Woods—18.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Barnett, Brown, Crouse, Drew, Freeland, Glazebrook, Harris, Hawthorn, Hosbrook, Hostetler, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Richardson of Spencer, Rugg, Sage, Shields, Slater, Spann, Suit and Vandevanter—28.

So the rules were not suspended.

When,

On motion by Mr. Brown,

The bill was referred to the committee on Banks with the following instructions:

"That said committee report the same back to the Senate on tomorrow."

By unanimous consent,  
Mr. Harris introduced,

Senate bill No. 12. A bill authorizing two or more Boards of Trustees of High Schools, Academies, Colleges or Universities, to assume a common name, consolidate their property, sue and be sued, contract and be contracted with, and to transact their business under such common name.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Hawthorn introduced,

Senate bill No. 13. A bill to amend section three of an act entitled, "an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11th, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Parker introduced,

Senate bill No. 14. A bill to repeal an act entitled an "act to regulate the retailing of spirituous liquors and for the suppression of evils arising therefrom," approved March 4, 1853.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Sage introduced,

Senate bill No. 15. A bill to amend the 14th and 23rd sections of act entitled "an act to provide for the valuation and appraisment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer of State," approved June 21, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Harris introduced,

Senate bill No. 16. A bill supplementary to an act entitled "an act regulating descents and the apportionment of estates," approved May 14th, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Rugg introduced

Senate bill No. 17. A bill to authorize the successors of executors and administrators to make sale and conveyance of realty, under orders of sale procured by their predecessors,

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Shields introduced

Senate bill No. 18. A bill to repeal an "act to prevent rail road companies from changing their depots except on conditions therein named," approved March 4th, 1853,

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Kightley introduced

Senate bill No. 19. A bill authorizing executors and administrators to pay claims against decedent's estates, in certain cases, without the approval of common pleas courts,

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

##### *Senate Bills on Second Reading.*

No. 9. A bill to repeal "an act to prohibit the evidence of Indians and persons having one-eighth or more Negro blood, in all cases where white persons are interested,

Was read a second time, and

On motion by Mr. Harris,  
Referred to the judiciary committee.

No. 10. A bill to discourage swindling,

Was read a second time, and

On motion by Mr. Robinson,  
Referred to the committee on banks.

On motion by Mr. Barnett,  
The Senate adjourned.

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2 o'clock P. M.

The Senate met.

On motion by Mr. Anthony,

*Resolved*, That three hundred copies of the address delivered by



John A. Burbank, Esq., before the State board of agriculture, January 5, 1855, be printed for the use of the members of the Senate.

On motion by Mr. Cravens,

*Resolved*, That the committee on banks be instructed to inquire into the practicability and expediency of so amending the general banking law as to provide for the establishment of a general agency and board of control for said banks, at which agency the coin of the several banks shall be deposited as a common fund for the redemption of the issues of the said banks, which coin shall only be paid upon the warrant of the bank so redeeming its issues, upon legal proof being made of demand, and that redemption had been refused to the holders making such demand, either in satisfactory currency or exchange. That at the said agency or board of control weekly balances shall be made among the several banks, and the balances so struck shall be entered on the books of the said agency. Also, whether it would not be expedient to confer upon said agency or board of control power to suspend the operation and issue of any bank or banks failing to redeem its issues on presentation at its own counter in par currency, exchange or by a warrant upon said agency for the coin, and also when any such bank or banks refuse to comply with the demand of said agency to furnish their respective amounts of coin as shall or may be provided by law, or delay the same for five days after such demand.

On motion by Mr. Jackson, of Tipton,

*Resolved*, That the committee on county and township business be instructed to enquire into the expediency of doing away with the system of township business.

Mr. McCleary introduced,

Senate bill No. 20. A bill concerning deeds of assignment by debtors, for the benefit of preferred creditors.

Which was read a first time and passed to a second reading.

Mr. Tarkington introduced,

Senate Bill No. 21. A bill to adjust the Gibson Seminary Township claim.

Which was read a first time and passed to a second reading.

Mr. Slater introduced,

Senate bill No. 22. A bill to amend the 78th section of an "act defining misdemeanors and prescribing punishment therefor," approved June 14th, 1852.

Which was read a first time and passed to a second reading.

On motion by Mr. Anthony,  
The Senate adjourned.

FRIDAY MORNING, 9 o'clock, }  
January 12th, 1855. }

The Senate met.

The journal of yesterday was read. •

PETITIONS, MEMORIALS, AND REMONSTRANCES.

By Mr. Anthony,

A petition from the Board of County Commissioners, Auditor and Treasurer of Porter county, asking the passage of an act requiring that part of the New Albany and Salem Railroad, extending and running from Michigan City to the Illinois State line, to pay taxes as other roads do in this State.

Which,

On motion,

Was referred to the Committee on Finance.

RESOLUTIONS.

On motion by Mr. Griggs,

*Resolved*, That the Judiciary Committee be requested to inquire into the expediency of reporting a bill, the provisions of which shall make it a felony for any bank of this State to suspend specie payment.

On motion by Mr. Helm,

*Resolved*, That the Secretary of the Senate inquire of the Auditor of the State, the amount of Free Bank paper signed in his office since his last annual Report, and report the same back to the Senate.

On motion by Mr. Vandevanter,

*Resolved*, That the committee on Military Affairs, be instructed to inquire into the expediency of repealing all laws requiring the Militia of this State to drill; and to report by bill or otherwise.

Mr. Brown offered the following preamble and resolution:

WHEREAS, An unusual amount of business has accumulated in the hands of the Committees of the Senate. Therefore,

*Resolved*, That when this Senate adjourn it will adjourn to meet on Monday morning 9 o'clock.

Which was agreed to.

On motion by Mr. Hendry,

*Resolved*, That the Committee on Finance be instructed to inquire into the expediency of reducing the mileage allowed Sheriffs for conveying convicts to the State Prison, from the sum of 25 cents per mile to 12½ cents per mile, for going to and returning from the Penitentiary.

Mr. Brown offered the following preamble and resolution:

**WHEREAS**, our present system of free banking has proved itself unworthy of the confidence of a commercial community, therefore,

*Resolved*, That the committee on banks be instructed to report a bill at its earliest convenience repealing all laws now in force in Indiana authorizing said system of free banks, and that they provide by law for an associated system of banks known by the name and style of the Bank of Indiana, with a mother bank and branches, whose basis shall be the interest paying bonds of the several States bearing not less than six per cent. interest, or their equivalent, with not less than 33 per cent. in specie for redemption, together with the individual liability of its stockholders, and making the branches mutually bound for the redemption of all their issues.

A division of the question was called for,

And the question being taken on the first proposition contained in the resolution,

The ayes and noes were demanded by Senators Anthony and Brown.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brown, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Tipton, McCleary, McDowell, Mansfield, Mathes, Robinson, Rugg, Sage, Shook, Slater, Spann, Tarkington, Weston, Williams, and Witherow—28.

*Those who voted in the negative were,*

Messrs. Bearss, Brookshire, Burke, Combs, Crane, Cravens, Crouse, Harris, Helm, Jackson of Madison, Kightley, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Shields, Suit, Vandevanter, Wilson, and Woods—21.

So the first proposition contained in the resolution was agreed to.

The question then being on the second proposition contained in the resolution,

Mr. Griggs moved to amend

By striking out the words "thirty-three" and inserting the words "twenty-five,"

Which was not agreed to.

The question then recurring on the second proposition contained in Mr. Brown's resolution,

The ayes and noes were demanded by Senators Anthony and Brown.

*Those who voted in the affirmative were,*

Messrs. Bearss, Brown, Cravens, Cutshaw, Ensey, Freeland, Glazebrook, Hawthorn, Helm, Hendry, Hostetler, Parker, Reynolds, Robinson, Sage, Shook, Vandevanter, Williams, and Wilson—19.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Brookshire, Burke, Combs, Crane, Crouse, Drew, Griggs, Harris, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Manfield, Mathes, Meeker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shields, Slater, Spann, Suit, Tarkington, Weston, and Woods—29.

So the second proposition contained in the resolution  
Was not agreed to.

On motion by Mr. Cutshaw,

*Resolved*, That the committee on finance be instructed to inquire into the expediency of so amending the law providing for the assessment of real property so as to require each owner of real estate to give a valuation of the same upon oath, with leave to report by bill or otherwise.

On motion by Mr. Freeland,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of establishing the office of attorney general for the State.

Mr. Griggs offered the following resolution :

*Resolved*, That the committee on elections be required to report in the case of the contested seats of McDowel and Chapman, also Mathes and Glenn, at an early day.

Mr. Shields moved to lay the resolution on the table.

The ayes and noes were demanded by Senators Bearss and Parker.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brookshire, Brown, Combs, Cutshaw, Drew, Ensey, Glazebrook, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tippecanoe, Kightley, McCleary, Mansfield, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shields, Shook, Slater, Spann, Tarkington, Wilson, and Woods.—27.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Cravens, Crouse, Freeland, Griggs, Hawthorn, Helm, Hendry, Meeker, Parker, Robinson, Sage, Suit, Weston, Williams, and Witherow.—17.

So the resolution was laid on the table.

Leave being granted,

Mr. Alexander, chairman of the committee on banks, made the following report:

**MR. PRESIDENT :**

The Committee on Banks, to whom was referred Senate bill No. 11 a bill to prevent the signing or issuing of any bank bill, note, or paper, to be used as currency, until the present banking law shall have been amended, have had the subject under consideration, and after the adoption of the following amendment recommend its passage:

Amend by striking out in the 1st section, all after the word "amended."

Which report was concurred in, and the bill ordered to be engrossed.

On motion by Mr. Glazebrook,

*Resolved*, That the several railroads that are completed, and the cars are running on said tracks, that each Railroad Company shall be compelled to pay to the several County Treasurers their equal share of the State and county taxes, and that the Committee on Roads be required to report by bill or otherwise.

Leave being granted.

Mr. McCleary, chairman of the Committee on Finance, made the following report:

**MR. PRESIDENT :**

The committee on Finance, to whom was referred joint resolution No. 1, "a joint resolution in relation to the collection of

taxes," respectfully report that it is in their opinion inexpedient to legislate on the subject for the present.

Mr. Cravens moved to recommit the joint resolution to the committee on Finance, with instructions to report to the Senate the expediency of instructing the Treasurer to receive in payment of taxes for the year 1854, together with the delinquent taxes, the notes of the Stock Banks, at a rate to be governed by the market value of the bonds of this State, deposited as collateral security for such notes.

Mr. Weston moved to lay the report and joint resolution on the table;

Which was not agreed to.

Mr. Helm moved that the Senate adjourn,

Which was not agreed to.

The question then recurring on Mr. Cravens' proposition to recommit the joint resolution to the committee on Finance with instructions.

Pending which,

Mr. Jackson moved to amend the instructions as follows, viz:

That the Treasurer of State be authorized to receive the amount now in the hands of the several County Treasurers at par, and all that is received hereafter at its par value.

Which was disagreed to.

The question then recurring on recommitting with instructions,

It was not agreed to.

The question then being on concurring in the report of the committee,

The ayes and noes were demanded by Messrs. Anthony and Shields.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Cutshaw, Drew, Freeland, Glazebrook, Helm, Hendry, Hostetler, Jackson of Madison, Kightley, McCleary, McDowell, Mansfield, Mathes, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Slater, Suit, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—29.

*Those who voted in the negative were,*

Messrs. Anthony, Bearss, Brookshire, Burke, Combs, Cravens, Crouse, Ensey, Griggs, Harris, Hawthorn, Hosbrook, Jackson of Tipton, Meeker, Parker, Reynolds, Shields, Spann and Tarkington—20.

So the report was concurred in, and the joint resolution laid on the table.



Mr. Griggs moved to take from the table, message of the House containing a resolution, for going into an election of United States Senator on Tuesday next at 10 o'clock, A. M.

On motion by Mr. Slater,

A call of the Senate was ordered.

When the secretary proceeded with the call, the following Senators answered to their names:

Messrs. Alexander, Anthony, Bearss, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—49.

Senator Barnett being absent.

Mr. Suit moved to suspend the further call of the Senate.

On motion by Mr. Brown,

The absentee was sent for.

When,

On motion by Mr. Hosbrook,

The Senate adjourned.

MONDAY MORNING, 9 o'clock, }  
January 15th, 1855. }

The Senate met.

The Journal of Friday was read.

The President laid before the Senate the following communication from the cashier of the branch of the State Bank at Bedford:

BRANCH BANK, BEDFORD, IND., }  
Saturday, Nov. 18, 1854. }

*Hon. President of the Senate of Indiana:*

DEAR SIR:—The officers of this Branch are as follows: M. A.

Malott, President, no salary; Isaac Rector, Cashier, salary \$1,200. The house used for banking purposes is worth what it is charged in the within report. We have no other real estate except our interest in the State Banking House. The other items of information required by the charter, you will please find in the within report, all of which is respectfully submitted.

ISAAC RECTOR, *Cashier.*

When,

On motion,

The report was referred to the committee on Banks.

The President laid before the Senate the following communication from the Cashier of the Branch of the State Bank at Indianapolis:

BRANCH OF THE STATE BANK OF INDIANA, }  
Indianapolis, January 6th, 1855. }

HON. A. P. WILLARD:

*Dear Sir*:—Please lay before Senate the accompanying report of the condition of this Bank as appeared on our books on the 18th day of November, 1854.

Respectfully yours,

THOMAS K. SHARP, *Cashier.*

When,

On motion,

The report was referred to the committee on Banks.

The President laid before the Senate the following communication from the Principal Secretary of the Senate:

SENATE CHAMBER, January 12th, 1855.

HON. A. P. WILLARD,

*President of the Senate*:

*SIR*:—You will please lay before the Honorable body over which you preside, the following communication from the Auditor of State, in reply to a resolution this day adopted by the Senate.

Respectfully,

SOLON TURMAN,

*Secretary of Senate.*

OFFICE OF AUDITOR OF STATE, }  
Indianapolis, Jan. 11, 1855. }

HON. SOLON TURMAN,

*Secretary of the Senate:*

SIR:—In reply to the resolution requesting you to 'inquire of the Auditor of State the amount of Free Bank paper signed in his office since his last annual report, "I have the honor to reply, that I have prepared paper for the following Banks since my last report:

\$24,000 Bank of Paoli, at Paoli.  
\$2,000 Savings Bank Indiana, at Connersville.  
\$24,000 Bank of Salem, at Salem.  
\$15,000 Bank of North America, at Clinton.

Besides these, I have finished some that was numbered and registered some time ago.

The above Banks are all specie paying.

I have the honor to be yours,

JOHN P. DUNN,  
*Auditor of State.*

#### REPORTS FROM COMMITTEES.

Mr. McCleary, chairman of the committee on Finance, made the following report:

MR. PRESIDENT:

The committee on Finance, to whom was referred a resolution of the Senate, inquiring into the expediency of so amending the law providing for the assessment of real property, as to require each owner of real estate to give a valuation of the same upon oath, have had the same under consideration, and have instructed me to report, that inasmuch as the township assessor system continues in force, it is unnecessary to require an affidavit from the owner of real estate as to its value, as it is the duty of the township assessor to determine the same, it is therefore the opinion of the Committee, that it is inexpedient to legislate on the subject embraced in the resolution, and ask to be discharged from further consideration of the subject.

Which report was concurred in,

Mr. Anthony, chairman of the committee on the Judiciary, made the following report:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred a resolution of the Senate, instructing said Committee to report "No. 23, a bill authorizing the counties of White, Benton, Jasper, Lake, Porter, Pulaski, Starke, and Laporte, to unite their means and money received from the sale of swamp lands, to complete the drainage of the marshes on the borders of the Kankakee river, and to straighten the channel of said river," have in compliance with said instructions, directed me to report the following bill, and recommend its passage.

Which was read a first time and passed to a second reading.

Mr. Anthony moved to suspend the rules and read the bill a second time, by its title now.

The ayes and noes being taken under the Constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brookshire, Combs, Crane, Cravens, Cutshaw, Drew, Ensey, Freeland, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of Spencer, Rugg, Sage, Slater, Spann, Tarkington, Vandevanter, Weston, Wilson, and Woods—35.

Mr. Suit voting in the negative.

So the rules were suspended, the bill read a second time by its title, and referred to the committee on Swamp Lands.

Mr. Vandevanter, from the committee on the Judiciary, made the following report:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred "so much of the Governor's message as relates to the propriety of creating the office of Attorney General," have had the same under consideration, and directed me to report the following bill on that subject, and recommend its passage:

No. 24. A bill to provide for the election, fixing the compensation and prescribing the duties of Attorney General of the State of Indiana.

Which was read a first time and passed to a second reading.

Mr. Hendry, from the committee on the Judiciary, made the following report:

MR. PRESIDENT :

The committee on the Judiciary to whom was referred a resolution of the Senate, "to inquire into the expediency of reporting a bill, the provisions of which shall make it a felony for any bank of this State to suspend specie payment," have had the same under consideration and have instructed me to report, that in the opinion of said committee, it is inexpedient to legislate on that subject.

Which report was concurred in.

Mr. Hendry, from the committee on the Judiciary, made the following report :

MR. PRESIDENT :

The committee on the Judiciary to whom was referred a resolution of the Senate, "to inquire into the expediency of so amending chapter 16, vol. 2, Revised Statutes, so as to compel the execution debtor, after the officer has executed and made a schedule of his property, to file an affidavit that he has no property, or effects, by which any debt could be made except that mentioned in said schedule, and the officer making such schedule be authorized to administer said oath and return the same to the justice or court who issued said execution," have had the same under consideration, and have directed me to report that it is inexpedient to legislate on the subject.

Which report was concurred in.

Mr. McCleary, from the committee on the Judiciary, made the following report :

MR. PRESIDENT :

The committee on the Judiciary to whom was referred a resolution of the Senate, "to inquire into the expediency of rendering railroad companies liable for unusual delay in the delivery of freights," have had the same under consideration, and have instructed me to report that it is inexpedient to legislate upon the subject.

Which report was concurred in.

Mr. McCleary, from the committee on the Judiciary, made the following report :

MR. PRESIDENT :

The committee on the Judiciary to whom was referred Senate bill No. 9, "A bill to repeal an act to prohibit the evidence of Indians, and persons having one-eighth or more of negro blood, in all

cases where white persons are interested," have had the same under consideration, and have directed me to report that any legislation on that subject is inexpedient, and recommend that the bill be laid on the table.

When,

On motion by Mr. Wilson,  
The report was laid on the table.

#### RESOLUTIONS.

On motion by Mr. Wilson,

*Resolved*, That the committee on Corporations be required to report to the Senate, at an early day, upon the necessity of this General Assembly legalizing by general law, the organization of such corporations as were formed under the Revised Statutes of 1852, before the distribution of said Statutes.

On motion by Mr. Helm,

*Resolved*, That the committee on finance be requested to enquire into the expediency of authorizing the proper officers of State to prepare Indiana State Bonds of the denomination of \$100 and \$500, with coupons attached, said bonds to be substituted for the present Indiana State Bonds, for the purpose of enabling persons holding a small amount of the notes or bills of the free banks of Indiana that have failed, or suspended, to convert the same into State Bonds, and thus protect themselves against the necessity of selling their bank notes to brokers and speculators at great sacrifices.

Mr. Suit offered the following resolution :

*Resolved*, That the Senate will, the House concurring, proceed to the election of a United States Senator, at 10 o'clock A. M. on Monday the 22d inst.

Mr. Anthony moved to postpone the further consideration of the resolution until the 22d day of February next.

The ayes and noes were demanded by Senators Cravens and Anthony.

*Those who voted in the affirmative were.*

Messrs. Alexander, Anthony, Brookshire, Cutshaw, Drew, Hosbrook, Hostetler, Jackson of Madison, McCleary, McDowell, Mansfield, Mathes, Reynolds, Richardson of Spencer, Rugg, Slater, Spann, and Tarkington—18.



*Those who voted in the negative were,*

Messrs. Combs, Crane, Cravens, Ensey, Freeland, Harris, Hawthorn, Helm, Hendry, Meeker, Parker, Sage, Suit, Vandevanter, Weston, Wilson, and Woods—17.

So the further consideration was postponed.

On motion by Mr. Rugg,

*Resolved*, That the committee on the judiciary be directed to enquire into the condition of the law library, and whether a material increase of said library will not greatly assist in dispatching the business of the Supreme Court, and report by bill or otherwise.

On motion by Mr. Sage,

*Resolved*, That the committee on elections be instructed to enquire into the expediency of amending section 22d of an act entitled "an act regulating general elections, and prescribing the duties of officers in relation thereto," approved January 7th, 1852, which section reads as follows:

Sec. 22d.—"If the person challenged, take such oath, he shall be permitted to vote, and it shall not be lawful thereafter for said board to examine any witnesses touching his qualifications; but if he refuse such oath they may swear and examine other witnesses;" so as to make it lawful for said board to examine other witnesses, after the challenged person has taken said oath, as well as when he refuses to take said oath; should said board not be satisfied of the right of said challenged person to vote.

On motion by Mr. Tarkington,

*Resolved*, That the committee on finance inquire into the expediency of reporting a bill providing for the re-appraisement of the real estate in the year 1855.

On motion by Mr. Hawthorn,

*Resolved*, That a committee of five be appointed to enquire into the expediency of reporting a bill appropriating a sufficient sum of money for the prosecution of a general geological survey of the State of Indiana.

Whereupon,

Senators Hawthorn, Spann, Witherow, Shields and Helm were appointed said committee.

On motion by Mr. Drew,

*Resolved*, That so much of the Auditor's report as relates to the collection of fees, fines and forfeitures now in the hands of county clerks and justices be referred to the committee on education.

On motion by Mr. Hosbrook,

*Resolved*, That the committee on roads be instructed to inquire into the expediency of so amending the road law as to provide for the county or township officers being authorized to levy a tax sufficient for the necessity of said county or township.

#### BILLS INTRODUCED.

By unanimous consent,

Mr. Reynolds introduced

Senate Bill No. 25. A bill to fix the time for holding the Circuit Courts in the Eighth Judicial Circuit,  
Which was read a first time.

Mr. Reynolds moved to suspend the rules, and read the bill a second time by its title now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Brookshire, Combs, Crane, Cravens, Drew, Ensey, Freeland, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetter, Jackson of Madison, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of Spencer, Rugg, Sage, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Wilson and Woods—34.

No Senator voting in the negative.

So the bill was read a second time by its title, and,

On motion by Mr. Vandevanter,

Laid on the table until 2 o'clock P. M. and made the special order for that hour.

By unanimous consent,

Mr. Kightley introduced

Senate Bill No. 26. A bill amending Section 1 of an act entitled "An act to exempt property from sale in certain cases," approved February 17, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,

Mr. Anthony introduced

Senate Bill No. 27. A bill to authorize the refunding of money, in cases where the State has sold lands as swamp lands by mistake or without authority.

Which was read a first time, and passed to a second reading.

By unanimous consent,  
Mr. Anthony introduced

Senate Bill No. 28. A bill to regulate the fees of County Auditors for transferring lands for taxation.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Anthony introduced

Senate Bill No. 29. A bill to provide for the organization of Railroad Companies.

Mr. Anthony moved to suspend the rules and read the bill a first time by its title now,

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Brookshire, Combs, Cravens, Cutshaw, Drew, Ensey, Freeland, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of Spencer, Rugg, Sage, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Wilson and Woods—32.

No Senator voting in the negative.

So the bill was read a first time by its title, and passed to a second reading.

By unanimous consent,  
Mr. Slater introduced

Senate Bill No. 30. A bill to amend the thirteenth section of an "Act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases," approved Jan. 19, 1852.

Which was read a first time and passed to a second reading.

Leave being granted,

On motion by Mr. Spann,

The credentials and certificates of election of the newly elected Senators were referred to the committee on Elections.

#### ORDERS OF THE DAY.

#### *Senate bills on their Second Reading.*

No. 12. A bill authorizing two or more boards of Trustees of high schools, academies, colleges, or universities, to assume a com-

mon name, consolidate their property, sue and be sued, contract and be contracted with, and to transact their business under such name;

Was read a second time, and

On motion by Mr. Harris,

Referred to the committee on Corporations.

No. 13. A bill to amend section 3 of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852;

Was read a second time, and

On motion by Mr. Hawthorn,

Referred to the committee on Corporations.

No. 14. A bill to repeal an act entitled, "An act to regulate the retailing of spirituous liquors, and for the suppression of evils arising therefrom," approved March 4th, 1853;

Was read a second time, and

On motion by Mr. Slater,

Referred to the committee on Temperance.

No. 15. A bill to amend the 14th and 23d sections of an act entitled, "An act to provide for the valuation and appraisement of real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors of real property, county treasurers, and auditors, and of the treasurer of State, approved June 21st, 1852;

Was read a second time, and

On motion by Mr. Anthony,

Referred to the committee on Finance.

No. 16. A bill supplemental to an act entitled, "An act regulating descents, and the apportionment of estates, approved May 14th, 1852;

Was read a second time, and

On motion by Mr. Harris,

Referred to the Judiciary committee.

No. 17. A bill to authorize the successor of executors and administrators, to make sales and conveyances of realty under order of sale procured by their predecessors;

Was read a second time, and

On motion by Mr. Anthony,

Referred to the Judiciary committee.

No. 18. A bill to repeal an act entitled, "An act to prevent Railroad Companies from changing their depots, except on conditions therein named," approved March 4, 1853;

Was read a second time, and  
On motion by Mr. Slater,  
Referred to the committee on Corporations.

No. 19. A bill authorizing executors and administrators to pay claims against decedents estates in certain cases, without the approval of common pleas judges;

Was read a second time, and  
On motion by Mr. Anthony,  
Referred to the Judiciary committee.

No. 20. A bill concerning deeds of assignment by debtors, for the benefit of preferred creditors;

Was read a second time, and  
On motion by Mr. McCleary,  
Referred to a select committee of three.  
Messrs. McCleary, Harris, and Drew, were appointed said committee.

No. 21. A bill to adjust the Gibson Seminary Township claim;

Was read a second time, and  
On motion by Mr. Suit,  
Referred to the committee on Education.

No. 22. A bill to amend the 78th section of an act defining misdemeanors and prescribing punishment therefor, approved June 14th, 1852;

Was read a second time, and  
On motion by Mr. Anthony,  
Referred to the committee on Judiciary.

No. 2. A joint resolution asking an appropriation from Congress, for the improvement of the Michigan City harbor;

Was read a second time, and  
On motion by Mr. Anthony,  
Referred to the committee on Federal Relations;

#### SENATE BILLS ON THIRD READING.

No 11. A bill to prevent the signing or issuing of any bank bill, note, or paper, to be used as currency, until the present banking law shall have been amended;

Was read a third time,  
 When,  
 On motion by Mr. Anthony,  
 The bill was laid on the table.

The President laid before the Senate the following communication from his Excellency, the Governor :

EXECUTIVE DEPARTMENT, }  
 January 15th, 1855. }

Hon. A. P. WILLARD,

*President of the Senate :*

SIR :—You will please lay before the Senate the enclosed communication from the Society of Friends of Great Britain and Ireland, upon the subject of slavery.

Yours respectfully,  
 JOSEPH A. WRIGHT.

Mr. Anthony moved to lay the communication on the table, and that one hundred and fifty copies be printed for the use of the Senate. A division of the question was called for, And the question being on laying the communication on the table, It was agreed to. The question then being on printing, It was disagreed to. Message from the Senate taken up.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, viz: Bill No. 6. A bill to fix the time of holding courts of common pleas in the district composed of the counties of Perry, Spencer and Dubois, in which the concurrence of the Senate is respectfully requested.

The bill contained in the foregoing message was read a first time and passed to a second reading.

On motion by Mr. Vandevanter, the vote postponing

Senate bill No. 25. A bill to fix the time for holding the circuit courts in the eighth judicial circuit and repealing all laws in conflict therewith,

Until 2 o'clock P. M. and making it the special order for that hour,  
 Was reconsidered.



Mr. Vandevanter moved to suspend the rules and read the bill a third time now,

And the ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brookshire, Combs, Crane, Cravens, Cutshaw, Drew, Ensey, Freeland, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of Spencer, Rugg, Sage, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Wilson, and Woods—35.

No Senator voting in the negative,

So the rules were suspended and the bill read a third time ;

The question then being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brookshire, Combs, Crane, Cutshaw, Drew, Ensey, Freeland, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of Spencer, Rugg, Sage, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Wilson, and Woods—35.

No Senator voting in the negative,

So the bill passed.

On motion by Mr. Vandevanter,

The title of the bill was amended by adding “and repealing all laws in conflict therewith.”

*Ordered*, That the Secretary inform the House thereof.

On motion by Mr. Brookshire,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

The President laid before the Senate the following communication from the Auditor of State :

OFFICE OF STATE AUDITOR, }  
Indianapolis, Ind., Jan. 12th, 1855. }

HON. A. P. WILLARD,

*President of the Senate :*

SIR: I have the honor to acknowledge the receipt of the following resolution of the Senate, passed January 10th 1855, viz:

*"Resolved, That the Auditor of State be requested to communicate to the Senate the reason for his refusal to Patent a larger amount than forty acres of Swamp Lands in one Patent."*

In reply to which resolution, I have the honor to submit the following statement to the Honorable body over which you preside.

Section 3 of An act to regulate the sale of Indiana Swamp Lands and for other purposes, passed May 29, 1852, provides among other things, that "It shall be the duty of the Auditor of State, as soon as possible after the State shall receive her Patent from the United States for the swamp lands, to cause to be prepared, maps or plats of all swamp lands lying within the bounds of each county separately showing the township, range, section and parts of sections, together with the number of each, in which such lands may lie." Which maps or plats were by said State Auditor to be forwarded without delay to the respective county auditors.

Section 5 of the same law provides also, among other things, that "it shall be the duty of county auditors to attend at the courthouse of his county at the times mentioned in the notice of sale of said swamp lands, and offer for sale at public auction, in legal subdivisions, and as near as practicable, in half-quarter sections, all the swamp lands in said counties respectively."

This act, as will appear from the foregoing sections, seemed to require that maps or plats should be made out by the Auditor of State, in legal sub-divisions, and that the county auditors in making such sales, shall be required as near as was practicable, with half quarter sections. In arriving at the word, legal sub-divisions of land, we have to go to the expressions of the Legislature themselves, in the term immediately following such word "legal sub-division." They say it means half quarter sections, and upon that meaning, they order the swamp lands sold, or as near as is practicable therewith. In one word, they say that no man can purchase less than eighty acres of swamp lands at such public sales. Now if the Auditor of State could have went to work and made out the maps or plats contemplated by section 3 above quoted, it would undoubtedly have been his duty, under and in pursuance of section 5, also above quoted, to make out such maps or plats in the legal subdivisions therein contemplated, and should the sales of such swamp lands have been made in accordance with the law referred to, it would have been clearly his duty to issue the certificates of Patents

to the purchasers in such legal sub-divisions. But the Patents to the swamp lands granted under the act of 28th September, 1850, from the United States, did not arrive at this office until the spring of 1853, consequently the sales of said lands was not made in pursuance of the act of the General Assembly of May 29, 1852. Nor were the maps or plats made under the provisions of said law.

Section 2 of an act entitled "an act supplemental to the act above referred to;" approved March 4, 1853, provided that "the auditor of each county shall also allow any person to enter a legal sub-division of forty acres or less, where the same constitutes one tract according to the survey and plat of the United States Surveyor." Taking this act in connection with the act to which it is amendatory, we are lead to conclude that the Legislature of 1853 seeing the evident hardship and injustice which the former law would work upon the poorer class of community in this, that they should not partake of the benefits of the law, unless they appeared in competition with the rich and bid off at least eighty acres, and that many of our citizens could not command enough means to purchase an eighty acre tract, but who could pay for a forty acre piece, amended the law first referred to, and wisely, as we think, placed the *legal sub-division* at forty acres.

Taking this view of the case, and being compelled to make out and transmit to the different county auditors, the maps or plats contemplated by law, and being further required to make out and keep a complete set of tract books for this office, agreeing in description and quantity with said maps or plats, it became a very important question to me to so arrange said maps or plats and tract books, as to correspond with the entries of such lands, according to the *legal sub-divisions* thereof as made by the Legislature of 1853, it was self-evident that uniformity should be regarded in the maps or plats and the tract books, so as to correspond with the numbers, certificates, description and quantity of acres sold. Hence I deemed it to be my duty to follow the lowest *legal sub-division* in the management of such maps, plats and tract books, and as a consequence, the Patents had to be issued in such a manner as to agree with the number, description and quantity, as shown by the plats and tract books. Any other course in relation to the arrangement of this matter, would have resulted in endless confusion and inextricable clashing of the entries and records. Thus to illustrate, suppose this office had went on under the provision of the law of 1852, and made up the plats and tract books in sub-divisions of eighty acres, and under the law of 1853 sales should have been made as they were, of sub-divisions of forty acres, what I respectfully ask would have prevented the interminable confusion which must necessarily have ensued in regard to the numbers of the certificates of sales, and the numbers, descriptions and quantity patented, and the records of the maps or plats and tract books.

It was impossible under the law, and the circumstances of the case, to have pursued any other course in reference to the correct

patenting of said swamp lands, than the one which was pursued by this office. If the records should have been made in eighty acre sub-divisions as contemplated by the act of 1852, it would have saved this office one-half of the labor and vexation growing out of the forty acre sub-division required by the amendatory act of 1853.

These are the principal facts and points upon which the action of this office has been based in the discharge of the swamp land department, and in conclusion permit me to express the belief that in selling the swamp lands of the State in 40 acre parcels has been the means of swelling the swamp land fund to a great extent.

I have the honor to be, sir,

Your obedient servant,

JOHN P. DUNN,

*Auditor of State.*

Which,

On motion by Mr. Hawthorn,

Was referred to the committee on Swamp Lands.

Mr. Woods introduced,

Senate bill No. 31. A bill repealing an act therein named, and reinstating the former Trustees of the town of Clarksville in their powers, duties and rights.

Which was read a first time and passed to a second reading.

Mr. Vandevanter, from the committee on the Judiciary, made the following report:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred a resolution of the Senate, inquiring into the expediency of authorizing by law the taking of interest at any rate not exceeding ten per centum per annum, where the same have been contracted for in writing, has instructed me to report the following bill and recommend its passage:

No. 32. A bill repealing section 1st of an act entitled, "an act concerning interest on money," approved May 27th, 1852, and to authorize the taking of interest at a rate not exceeding ten per centum per annum, where the same is agreed for in writing.

Which was read a first time and passed to a second reading.

On motion by Mr. Anthony,

The communication of the Governor containing the address from the Society of Friends on the subject of slavery, was taken from the table and referred to the committee on Federal Relations.

On motion by Mr. Kightley,

The Senate adjourned.

TUESDAY MORNING, 9 o'clock, }  
January 16th, 1855. }

The Senate met.

The Journal of yesterday was read.

#### REPORTS FROM COMMITTEES.

Mr. Wilson, from the committee on Elections, made the following report:

**MR. PRESIDENT :**

The committee on Elections to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of amending section twenty-two of an act entitled, "an act regulating general elections, and prescribing the duties of officers in relation thereto," approved January 7th, 1852, have had the same under consideration, and have instructed me to report, that in the opinion of said committee it is inexpedient to legislate on the subject at this time.

Which report was concurred in.

Mr. Slater, from the committee on the Judiciary, made the following report:

**MR. PRESIDENT :**

The committee on the Judiciary, to whom was referred that portion of the Governor's message relating to secret associations and mob law, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 33. A bill to give the circuit courts concurrent jurisdiction with the courts of common pleas in cases of riot.

Which was read a first time and passed to a second reading.

Mr. Griggs, from the committee on the Organization of Courts, made the following report:

**MR. PRESIDENT :**

The committee on the organization of Courts, to whom was referred Senate bill No. 7, entitled "An act supplemental to an act providing for the election of Justices of the Peace, and defining their jurisdiction, powers, and duties in civil cases," approved June 9th, 1852, have had the same under consideration, and directed me to



report it back with the following amendments, on the adoption of which, to recommend its passage:

*First.*—Amend the title of the bill by inserting the words “and qualifications,” after the word “election” in the second line.

*Second.*—Strike out the original bill from the enacting clause and insert the following in lieu thereof:

SEC. 1. Whenever any vacancy shall occur more than thirty days prior to the first Monday in April, in the office of Justice of the Peace in any county in this State, by death, resignation or otherwise, it shall be the duty of the Clerk of the Circuit Court of such county, to order an election to fill such vacancy.

SEC. 2. All such special elections, the return thereof, and issuing commissions to the persons elected, shall be conducted and governed by the laws now in force governing special elections, and the person so elected shall hold his office four years from the date of his commission.

SEC. 3. It is hereby declared that an emergency exists for the taking effect of this act, and that the same shall be in force from and after its passage, and publication in the Indiana State Journal and State Sentinel.

Which report was concurred in, the amendments adopted, and the bill ordered to be engrossed.

Mr. Witherow, from the committee on Education, made the following report:

MR. PRESIDENT:

The committee on Education to whom was referred Senate bill No. 8, entitled “an act for the relief of the borrowers of the common school fund, and the purchase of school lands belonging to the State of Indiana,” have had the same under consideration, and have instructed me to report the same back without amendment, and respectfully recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Hosbrook, chairman of the committee on Swamp Lands, made the following report:

MR. PRESIDENT:

The committee to whom was referred Senate bill No. 4, have had the same under consideration, and have directed me to report the same back to the Senate with the following amendment, and recommend its passage:

Strike out all after the first section and insert—



SEC. 2. That the funds named in section one of this act shall consist of all receipts for swamp lands, sold prior to the sale of swamp lands by the auditor and treasurer of the different counties where said lands are situated, together with all receipts for swamp lands from and since said sales, and said money, warrants or funds of any and every description shall be subject to, and paid out upon the orders of the swamp land commissioners of the county from which said money, warrants, or funds were derived, so far as may be necessary for the purpose of draining, and reclaiming said swamp lands.

SEC. 3. This act to be in force from and after its passage.

Which report was concurred in, amendments adopted, and the bill ordered to be engrossed.

#### RESOLUTIONS.

On motion by Mr. Harris,

*Resolved*, That the Judiciary committee be instructed, immediately to report a bill giving the courts of common pleas jurisdiction over felonies.

On motion by Mr. Richardson of Spencer,

*Resolved*, That the committee on Swamp Lands be instructed to inquire into the expediency of providing by law for the protection of swamp land ditches.

On motion by Mr. Freeland,

*Resolved*, That the committee on elections be instructed to inquire if there be any law in force authorizing special election for justice of the peace, and report by bill or otherwise.

Mr. Williams offered the following resolution :

*Resolved*, That the committee on banks be requested to enquire into the expediency of reporting a bill to the Senate at their earliest convenience, chartering a bank with branches, bound for the redemption of each others issues, and requiring the pledge of real estate and State stocks as security to the bill holder.

Which was not agreed to.

Mr. Hostetler offered the following resolution :

*Resolved*, That the committee on banks be instructed to report a bill prohibiting by law the circulation of any bank bills of our own

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or foreign banks in this State of a less denomination than five dollars from and after the first of May next.

Which was not agreed to.

On motion by Mr. McCleary,

*Resolved*, That the committee on finance be instructed to report a bill fixing the salaries of county and township officers.

On motion by Mr. Glazebrook,

*Resolved*, That the committee on banks be directed to enquire into the expediency of repealing the present law authorizing the establishing of brokers offices, to report by bill or otherwise.

On motion by Mr. Shook,

*Resolved*, That the committee on banks be directed to enquire into the expediency of amending the present banking law, so as to allow county treasurers and the State treasurer to receive for State revenue for the year 1855 and thereafter the issues of the free banks, and provide that the interest accruing on the bonds of this State deposited with the auditor, be paid in the issues of the banks depositing the same: and also provide for the redemption of Indiana State bonds with any surplus money remaining in the State treasury issued by said free banks.

#### JOINT RESOLUTIONS INTRODUCED.

By unanimous consent

Mr. Brookshire introduced,

Senate joint resolution No. 3. A joint resolution memorializing Congress on the subject of the Congressional township school fund.

Which was read a first time and passed to a second reading.

#### BILLS INTRODUCED.

By unanimous consent,

Mr. Helm introduced

Senate bill No. 34. A bill to provide for the election of United States Senator, and for the appointment of a person to fill any vacancy in said office, that may happen during a recess of the General Assembly, and to direct in what manner and at what time such election shall take place.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Parker introduced

Senate bill No. 35. A bill creating the twelfth judicial circuit, providing for the election of a judge thereof, fixing the times of holding courts therein, providing for the appointment of a judge to fill the vacancy therein declared, regulating the return of process, &c., and providing for the prosecution of the pleas of the State therein.

Which was read a first time,

Mr. Parker moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Brown, Burke, Combs, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of Spencer, Rugg, Sage, Shields, Shook, Slater, Spann, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—41.

*Those who voted in the negative were,*

Messrs. Brookshire and McDowell—2.

So the rules were suspended, the bill read a second time by its title.

When,

On motion by Mr. Parker.

The bill was referred to the committee on the Organization of Courts.

By unanimous consent,  
Mr. Tarkington introduced,

Senate bill No. 36. A bill to amend sections 29, 30 and 31, of an "act to provide for a general and uniform system of common schools and school libraries and matters properly connected therewith, and to provide for the distribution of the school funds in 1855."

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Rugg introduced,

Senate bill No. 37. A bill to provide for the closing up the business of the circuit courts in the several counties of this State.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Shields introduced,

Senate bill No. 38. A bill to repeal section five of an act entitled, "an act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this or in an adjoining State, and to connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads on the routes which they may have heretofore surveyed and located, and to use and occupy the same when completed," approved February 23rd, 1853.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Shields introduced,

Senate bill No. 39. A bill to regulate the crossings of public highways and private roads by railroads.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

#### *Senate Bills on Second Reading.*

No. 24. A bill to provide for the election, fixing the compensation, and prescribing the duties of Attorney General of the State of Indiana.

Was read a second time and ordered to be engrossed.

No. 26. A bill amending section one of an act entitled, "an act to exempt property from sale in certain cases," approved February 17, 1852.

Was read a second time; and,

On motion by Mr. Kightley,

Referred to the committee on the Judiciary.

No. 27. A bill to authorize the refunding of money in cases where the State has sold lands as swamp lands, the title whereof may not be confirmed in the State by the Government of the United States,

Was read a second time, and

On motion by Mr. Anthony,

Referred to the committee on Swamp Lands.

No. 28. A bill to regulate the fees of county auditors for transferring lands for taxes,

Was read a second time, and

On motion by Mr. Anthony,

Referred to the committee on the Judiciary.

No. 29. A bill to provide for the organization of Railroad Companies.

Mr. Anthony moved to suspend the rules and read the bill a second time now, by its title,

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brockshire, Brown, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of Spencer, Sage, Shields, Shook, Slater, Spann, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—41.

Mr. Bearss voting in the negative.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Slater,

The bill was laid on the table and 100 copies ordered to be printed for the use of the Senate.

No. 30. A bill to amend the 13th section of an "Act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases," approved June 19, 1852,

Was read a second time, and

On motion by Mr. Anthony,

Referred to the committee on the Judiciary.

No. 31. A bill repealing an act therein named, and re-instating the former Trustees of the town of Clarksville, in their powers, duties and rights.

Was read a second time, and

On motion by Mr. Vandevanter,

Referred to the committee on the Judiciary.

No. 32. A bill repealing section 1 of "An act entitled an act concerning interest on money, approved May 27, 1852, and to authorize the taking of interest at a rate not exceeding ten per centum per annum where the same is agreed for in writing."

Was read a second time.

On motion by Mr. Griggs,

The bill was made the special order of the day, in committee of the whole, for Thursday next at 2 o'clock, P. M.

*House Bills on Second Reading.*

No. 6. A bill to fix the time of holding the Courts of Common Pleas in the District composed of the counties of Perry, Spencer and Dubois,

Was read a second time, and

On motion by Mr. Richardson of Spencer,

Referred to a select committee consisting of Senators Richardson of Spencer, Hawthorn and Mansfield.

A message from the House, by Mr. Levering, their Clerk.

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House of Representatives has passed engrossed Senate bill No. 25, entitled "a bill to fix the time of holding the circuit courts in the eighth judicial circuit and repealing all laws in conflict therewith;" with one engrossed amendment thereto, in which the concurrence of the Senate is respectfully requested.

When,

On motion by Mr. Reynolds,

The engrossed amendment of the House was concurred in.

*Ordered*, that the Secretary inform the House thereof.

On motion by Mr. Hawthorn,

*Resolved*, That the committee on the judiciary enquire into the expediency of reinstating the former grand jury system.

The following message was received from the House of Representatives by Mr. Levering, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the enrolled bill of the House, No. 1, which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

On motion by Mr. Slater,

The Senate adjourned.



2 o'clock, P. M.

The Senate met.

The President laid before the Senate a communication from the Treasurer of State containing his annual report for the fiscal year ending October 31st, 1854.

OFFICE OF TREASURER OF STATE, }  
Indianapolis, Jan. 16th, 1855. }

Hon. A. P. WILLARD,

*President of the Senate :*

SIR:—You will please lay before the Senate my annual report for the fiscal year ending October 31st, 1854.

I have the honor to be

Your obedient servant,

E. NEWLAND,

*Treasurer of State.*

On motion by Mr. Brown,

The report was laid on the table, and five hundred copies ordered to be printed.

By Mr. McCleary:

A memorial from 240 ladies of the county of Franklin on the subject of temperance.

Which,

On motion by Mr. Slater,

Was referred to the committee on Temperance.

Mr. Harris introduced,

Senate bill No. 40. A bill providing for extending the terms of circuit courts by adjournment, when the pending business shall be unfinished.

Was read a first time.

Mr. Harris moved to suspend the rules and read the bill a second time now, by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of

St. Joseph, Richardson of Spencer, Sage, Shields, Shook, Slater, Spann, Tarkington, Vandevanter, Weston, Williams, Wilson, Withers and Woods—44.

No Senator voting in the negative.

So the rules were suspended, the bill read a second time by its title, and ordered to be engrossed.

Mr. Shields introduced,  
Senate bill No. 41. A bill providing for official notice of the time when the Statutes of the State are in force.

Which was read a first time and passed to a second reading.

Mr. Anthony introduced,  
Senate bill No. 42. A bill to enable parties to convey lands, tenements and hereditaments held adversely, and to give validity to contracts heretofore made therefor and to enable venders to recover possession thereof.

Which was read a first time and passed to a second reading.

Mr. Shields, from the committee on Swamp Lands, made the following report:

Mr. PRESIDENT:

I am directed by the committee on Swamp Lands to report the following bill:

No. 43. A bill to confirm the title to certain swamp lands.

Which was read a first time and passed to second reading.

On motion by Mr. Tarkington,

*Resolved*, That the committee on the Judiciary inquire into the expediency of reporting a bill, authorizing county auditors to call special terms of boards of county commissioners whenever the interest of the county demand it.

A message from the Governor, by Mr. King, Executive Messenger:

Mr. PRESIDENT:

I am directed by the Governor to inform the Senate, that he has approved and signed the following bill, to-wit:

No. 25. An act to fix the time for holding the circuit courts in the eighth judicial circuit, and repealing all laws in conflict therewith.

Which bill originated in the Senate.

Mr. Hostetler, chairman of the committee on Enrolled Bills, made the following report:

MR. PRESIDENT:

The committee on Enrolled Bills have compared the enrolled with the engrossed bill of the Senate No. 25, and find it to be a true copy thereof.

A message from the House by Mr. Levering, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following Resolution, in which the concurrence of the Senate is respectfully requested:

*Resolved*, That the House with the Senate concurring, go into the election of United States Senator on Thursday next, at 10 o'clock A. M.

Mr. Bearss moved to concur in the resolution of the House.

Mr. Anthony moved to postpone the resolution and the subject matter thereof, until the 22d day of February next.

The ayes and noes were demanded by Senators Vandevanter and Witherow.

*Those who voted in the affirmative were,*

Mesrss. Anthony, Brookshire, Brown, Cutshaw, Drew, Glazebrook, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Reynolds, Richardson of St. Joseph, Richardson of Spencer Shields, Shook, Slater, Spann and Tarkington—24.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Combs, Crane, Cravens, Crouse, Linsey, Freeland, Griggs, Harris, Helm, Hendry, Meeker, Parker, Sage, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—21.

So the resolution and the subject matter thereof, was postponed until the 22d of February next.

On motion by Mr. Brown,

The vote postponing the consideration of the House resolution on the subject of a United States Senator, was reconsidered.

Mr. Anthony moved to postpone the resolution of the House and the subject matter therein contained, until the 22d day of February next.

The ayes and noes were demanded by Senators Griggs and Parker.

*Those who voted in the affirmative were,*

Messrs. Anthony, Brookshire, Brown, Cutshaw, Drew, Glazebrook, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Shields, Shook, Slater, Spann and Tarkington—24.

*Those who voted in the negative were,*

Messrs. Burke, Combs, Crane, Cravens, Crouse, Ensey, Freeland, Griggs, Harris, Helm, Hendry, Meeker, Parker, Sage, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—21.

So the resolution and the subject matter thereof, was postponed.

On motion by Mr. Anthony,  
The Senate adjourned.

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WEDNESDAY MORNING, 9 o'clock, }  
January 17th, 1855. }

The Senate met.

The Journal of yesterday was read.

#### REPORTS FROM COMMITTEES.

Mr. Hendry, from the committee on the Judiciary, made the following report :

MR. PRESIDENT :

The committee on the Judiciary, to whom was referred Senate Bill No. 2, " A bill in relation to the final record in the Courts in this State," have had the same under consideration, have directed me to report any legislation on the subject inexpedient, and recommend that the bill be laid on the table.

The report was concurred in, and the bill laid on the table.

Mr. Harris, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred Senate Bill No. 30, "A bill to amend the 13th section of an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases," have had the same under consideration, and have directed me to report it back without amendment, and recommended its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. McCleary, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred Senate bill No. 26, "amending section 1 of an act entitled an act to exempt property from sale in certain cases," approved February 17, 1852, have had the same under consideration and have directed me to report that it is inexpedient to legislate on the subject, and that it be laid upon the table.

The report was concurred in and the bill laid on the table.

Mr. Witherow, from the committee on the judiciary, made the following report:

MR. PRESIDENT :

The committee on the judiciary to whom was referred a resolution of the Senate to enquire into the expediency of authorizing county auditors to call special terms of the board of county commissioners whenever the interest of the county may demand it, have had the same under consideration and have directed me to report the following bill and recommend its passage.

No. 44. A bill authorizing county auditors to call a special term of the board of county commissioners whenever the interests of the county may demand it,

Which was read a first time and passed to a second reading.

Mr. Kightley, from the committee on the judiciary, made the following report :

Mr. PRESIDENT :

The committee on the judiciary to whom was referred a resolution of the Senate requiring them to enquire into the expediency of "re-instating the former grand jury system," have had the same under consideration, and have directed me to report that it is inexpedient to legislate on the subject.

Which report was concurred in.

Mr. Vandevanter, from the committee on the judiciary, made the following report :

Mr. PRESIDENT :

The committee on the judiciary to whom was referred Senate bill No. 17, entitled "an act to authorize the successors of executors and administrators to make sale and conveyance of realty under orders of sale procured by their predecessors," have considered the same, and have directed me to report it back without amendment and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Freeland, from the committee on education, made the following report :

Mr. PRESIDENT :

The committee on education to whom was referred Senate bill No. 21, have had the same under consideration and have directed me to report the same back without amendment and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Mansfield, chairman of the committee on roads, made the following report :

Mr. PRESIDENT :

The committee on roads, to whom was referred a resolution of the Senate asking that said committee should enquire into the expediency of making the tolls of roads at least fifty per cent. higher, have had that subject under consideration, and have directed me to report that no road or highway other than those governed by acts of incorporation have a right to charge tolls ; thereupon they recommend that said resolution be referred to the committee on corporations, and ask to be discharged from a further consideration of the subject.

The report was concurred in, and the resolution referred to the committee on corporations.



## RESOLUTIONS.

Mr. Helm offered the following preamble and resolution :

**WHEREAS**, the term of office of the present Auditor of State is about to expire, and the Auditor elect will take his place, and, whereas, justice and equity to all, requires that said Auditor's fees for all of the duties required of him by the banking law of this State shall be fixed by law ; therefore,

*Resolved*, That the present Auditor of State be requested before the expiration of his term of office, to report to the Senate whether he has charged for signing bank bills and other duties therewith, any certain per cent or whether he has charged a certain price per signature, and what has been his guide in that matter, and what is the amount of his official fees derived from the provisions of said banking act during the last twelve months.

Which was agreed to.

Mr. Suit offered the following resolution :

*Resolved*, That the committee on Finance be instructed to report a bill fixing the salary of the Governor at two thousand five hundred dollars, and the salaries of the Judges of the Supreme Court and Circuit Courts at two thousand dollars each, and of Prosecuting Attorneys, at five hundred dollars per annum.

Mr. Brown moved to amend in the proper place, so as to provide that the Members of the Senate and House of Representative shall each be allowed five dollars per day.

On motion by Mr. Anthony,

The amendment was laid on the table.

The question then recurring on the adoption of the original resolution,

The ayes and noes were demanded by Senators Spann and Suit.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Burke, Combs, Cravens, Crouse, Drew, Ensey, Freeland, McDowell, Parker, Reynolds, Richardson of St. Joseph, Rugg, Suit and Woods—18.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Crane, Cutshaw, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathas, Meeker, Richardson of Spencer, Robinson, Sag, Shook,

Slater, Spann, Tarkington, Vandevanter, Weston, Williams, Wilson and Witherow—31.

So the resolution was not agreed to.

Mr. Bearss offered the following preamble and resolution :

WHEREAS, The people of the counties of Huntington and Wells on the tenth of October last, gave a decisive majority of their votes in favor of George H. Chapman, to represent them in the Senate of this State; and whereas, by an informality in the returns George McDowell received the certificate of election, and now occupies a seat to which he was not elected: and whereas, the said McDowell does not claim or allege that he received a majority of the votes cast, at the said election for State Senator; and whereas, the committee on elections have not thus far reported on the case, though over one-fifth of the session has already expired; and whereas, the presiding officer of the Senate, at the opening of this session, decided, that whoever had received the highest number of votes cast, should be entitled to the seat irrespective of the formal certificate of election; and whereas, it is proper in a republican and democratic form of government, that the Senator or Representative who receives the highest number of votes at an election, shall occupy that position, until it is proved that he is not legally entitled to it; and whereas, the constitution of the State *commands* that each House, when assembled, *shall* judge of the election, &c., of its own members; therefore, in accordance with the said constitutional requirement, and to the end that the will of the people of Huntington and Wells shall be promptly carried out, respected, and obeyed, by the Senate without further delay;

*Resolved*, That G. W. Chapman, having received the highest number of votes cast for Senator, at the election for said officer in the counties of Huntington and Wells, and having been in accordance with the second section of the 4th article of the constitution, chosen by the majority of the electors of that district to that office, has constitutionally a right to *demand* his seat in behalf the people who elected him.

*Resolved*, That the President of the Senate be directed to administer the oath of office to G. W. Chapman immediately.

Mr. Harris moved that the further consideration of the resolution be postponed until Friday next at 2 o'clock.

The ayes and noes were demanded by Senators Bearss and Cravens.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Combs,

Crane, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Harris, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—40.

*Those who vote l in the negative were,*

Messrs. Bearss, Burke, Cravens, Crouse, Griggs, Helm, Hendry and Parker—8.

So the consideration of the resolution was postponed.

On motion by Mr. Brookshire,

*Resolved*, That the committee on Benevolent Institutions be required to investigate the manner in which the fiscal operations of the benevolent institutions of this State have been conducted during the past year, and report the result of such investigation to the Senate.

On motion by Mr. Brown,

*Resolved*, That the committee on Roads be instructed to inquire into the expediency of reporting a bill authorizing the board doing county business to levy a road tax.

Mr. Bearss offered the following resolution:

*Resolved*, That G. W. McDowell, who holds a seat as Senator from Huntington and Wells counties, be requested to state to the Senate whether he claims to have received a majority of the votes cast for that office at the October election; and that if he does not make such a claim on his own behalf, he be requested to state as a voter of said district the name of the candidate, who did receive the largest number of votes cast in said district for Senator.

Mr. Slater moved to lay the resolution on the table.

The ayes and noes were demanded by Senators Bearss and Cravens.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Combs, Crane, Drew, Ensey, Glazebrook, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shook, Slater, Spann, Suit, Tarkington, Wilson and Woods.—31.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Cravens, Freeland, Griggs, Harris, Helm, Meeker, Parker, Robinson, Vandevanter, Weston, Williams, and Witherow.—14.

So the resolution was laid on the table.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Freeland introduced

Senate bill No. 45. A bill fixing the time of holding the several circuit courts in the third judicial circuit, prescribing the length of the terms thereof, and repealing all laws in conflict with the same.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Crouse introduced

Senate bill No. 46. A bill in relation to companies, plank, McAdamized and gravel roads.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Hawthorn introduced

Senate bill No. 47. A bill amendatory of and supplemental to an act entitled "an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the conditions of said grant," approved May 29th, 1852.

Which was read a first time and passed to a second reading.

Leave being granted,

Mr. Rugg, chairman of the committee on the organization of courts, made the following report:

Mr. PRESIDENT.

The committee on the organization of courts, to whom was referred Senate bill No. 35, have instructed me to report the same back with the following amendments, and when adopted they recommend the passage of the bill. Strike out the words "county of Warren" wherever they occur in said bill, and make the court commence on the second Monday of March and September in the county of Benton.

The report was concurred in, amendments adopted, and bill ordered to be engrossed.

By unanimous consent  
Mr. Wilson introduced

Senate bill No. 48. A bill to provide for the preservation of newspapers published in the several counties of the State of Indiana in the office of the auditor of each county.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

##### *Senate Bills on their Second Reading.*

No. 33. A bill to give to the circuit courts concurrent jurisdiction with the courts of common pleas in cases of riot,  
Was read a second time and ordered to be engrossed.

No. 34. A bill to provide for the election of a United States Senator and for the appointment of a person to fill any vacancy in said office that may happen during a recess of the General Assembly, and to direct in what manner and at what time such election shall take place,

Was read a second time and,

On motion by Mr. Anthony,  
Referred to the judiciary committee.

No. 36. A bill to amend sections 29, 30 and 31, of an act to provide for a general and uniform system of common schools, and school libraries and matters properly connected therewith, and to provide for the distribution of the school funds in 1855,

Was read a second time and ordered to be engrossed.

No. 37. A bill to provide for closing up the business of the circuit courts in the several counties in this State,

Was read a second time, and

On motion by Mr. Anthony,  
Referred to the judiciary committee.

No. 38. A bill to repeal section five of an act entitled "an act to authorize rail road companies to consolidate their stock with the stock of rail road companies in this or in an adjoining State, and to connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads on the routes which they may have heretofore surveyed and located and to use and occupy the same when completed," approved February 23, 1853,

Was read a second time, and

On motion by Mr. Slater,  
Referred to the committee on corporations.



No. 39. A bill to regulate the crossings of public high-ways and private roads, by Railroads.

Was read a second time, and  
On motion by Mr. Spann,  
Referred to the committee on Corporations.

No. 41. A bill providing for official notice of the time when the Statutes of this State are in force.

Was read a second time, and  
On motion by Mr. Anthony,  
Referred to the committee on the Judiciary.

No. 42. A bill to enable parties to convey lands, tenements and hereditaments held adversely, and to give validity to contracts heretofore made therefor, and to enable venders to recover possession thereof.

Was read a second time, and  
On motion by Mr. Anthony,  
Referred to the committee on the Judiciary.

No. 43. A bill to confirm the title to certain swamp lands.

Was read a second time, and  
On motion by Mr. Hawthorn,  
Referred to the committee on Swamp Lands.

#### SENATE JOINT RESOLUTIONS ON SECOND READING.

No. 3. A joint resolution memorializing Congress on the subject of the Congressional Township School Fund.

Was read a second time, and  
On motion by Mr. Brown,  
Referred to the committee on the Judiciary.

#### SENATE BILLS ON THIRD READING.

No. 4. A bill supplemental to an act entitled "An act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and re-claiming thereof, in accordance with the condition of said grant," approved May 29, 1852.

Was read a third time, and  
The question being, shall the bill pass?



*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Brookshire, Brown, Combs, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Sage, Suit, Vandevanter, Weston, Wilson and Woods—34.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Griggs, Meeker, Robinson, Shook, Slater and Spann—8.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 7. A bill supplemental to an act providing for the election of justices of the peace and defining their jurisdiction, powers and duties in civil cases, approved June 9th, 1852,

Was read a third time; and,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Reynolds, Richard of St. Joseph, Richardson of Spencer, Rugg, Sage, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—46.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 8. A bill for the relief of the borrowers of the common school fund, and the purchasers of school lands belonging to the State of Indiana,

Was read a third time; and,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Brown, Burke, Combs, Crane, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook,

Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—45.

Senator Barnett voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 24. A bill to provide for the election, fixing the compensation and prescribing the duties of Attorney General of the State of Indiana;

Was read a third time; and,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Brown, Burke, Crane, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Wilson, Witherow and Woods—40.

*Those who voted in the negative were,*

Messrs. Bearss, Brookshire, Combs, Cravens, Helm, Meeker and Williams—7.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 40. A bill providing for extending the terms of circuit courts by adjournment, when the pending business shall be unfinished;

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shook, Sla

ter, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—46.

Mr. Bearss voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

A message from the House by Mr. Levering, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

Bill No. 2. An act to amend an act entitled "An act to incorporate the Indiana Cotton Mill," approved Feb. 15, 1848.

In which the concurrence of the Senate is respectfully requested.

The bill contained in the foregoing message was read a first time, and passed to a second reading.

On motion by Mr. Slater,  
The Senate adjourned.

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2 o'clock P. M.

The Senate met.

On motion by Mr. Cravens,

*Resolved*, That the door-keeper of the Senate be and is hereby directed to substitute the Daily for the Weekly Republican, and that the usual number of copies be furnished for use of the Senate.

Mr. Drew introduced

Senate Bill No. 49. A bill for the relief of Thomas D. Smith, William R. Smith, Jane E. Morton, (late Jane E. Smith,) Charles Smith, Robert Smith and Ellen Scott, (late Ellen Smith,) children of Thomas Smith, (alias, Thomas R. Smith,) late of Vanderburgh county, deceased.

Which was read a first time.

Mr. Drew moved to suspend the rules and read the bill a second time now, by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Burke, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Slater, Spann, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—45.

Mr. Bearss voting in the negative.

So the rules were suspended and the bill read a second time, by its title,

When,

On motion by Mr. Drew,

The bill was referred to the committee on the Judiciary.

Mr Rugg introduced,

Senate bill, No. 50. A bill to provide for the election of United States Senator.

Was read a first time and passed to a second reading.

Mr. Richardson of St. Joseph, introduced,

Senate bill No. 51. A bill to prevent injuries and the destruction of life upon railroads, and by railroad trains; to provide for the appointment, and prescribing the powers and duties of railroad commissioners; and to provide for the licensing of engineers and conductors.

Mr. Richardson, of St. Joseph, moved to suspend the rules and read the bill a first time by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—46.

Messrs. Bearss and Griggs voting in the negative.

So the rules were suspended and the bill read a first time by its title.

Mr. Brown moved to further suspend the rules and read the bill a second time now, by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods.—48.

No Senator voting in the negative.

So the rules were suspended and the bill was read a second time by its title,

When,

On motion by Mr. Brown,

The bill was laid on the table and 100 copies ordered to be printed for the use of the Senate.

On motion by Mr. Drew,

The Senate adjourned.

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THURSDAY MORNING, 9 o'clock, }  
January 18, 1855. }

The Senate met.

The assistant Secretary proceeded to read the Journal of yesterday,

When,

On motion by Mr. Glazebrook,

The further reading thereof was dispensed with.

## REPORT FROM A SELECT COMMITTEE.

Mr. McCleary, chairman of a Select Committee, made the following report :

MR. PRESIDENT :

The select committee to whom was referred Senate bill No. 20, "an act concerning deeds of assignment by debtors for the benefit of preferred creditors," have had the same under consideration, and have directed me to report the same back to the Senate with the following amendment, and recommend its passage :

Amend to make the following addition to section 2d, to-wit :

"All mortgages executed by a bankrupt debtor to a creditor to evade the provisions of this act, be and the same are hereby declared fraudulent and void."

The report was concurred in, amendment adopted, and the bill ordered to be engrossed.

## RESOLUTIONS.

On motion by Mr. Ensey,

*Resolved*, That the committee on banks be instructed to enquire into the expediency of reporting a bill which shall provide for every one hundred dollars of bank notes issued, that one hundred and twenty-five dollars worth of Stock be deposited as security, with the proper officer, and when notes are presented at the counter of the bank, less twenty-five per cent. than one thousand dollars coin is refused for the redemption of the same, the holder of said notes may proceed to the place where the stocks are deposited and demand and receive a thousand dollar bond in exchange.

## JOINT RESOLUTIONS.

By unanimous consent,  
Mr. Harris introduced,

Senate joint resolution No. 4. A joint resolution on the subject of free banks,  
Was read a first time.

Mr. Harris moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,



*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, and Witherow—45.

No Senator voting in the negative.

So the rules were suspended, the bill read a second time by its title, and

On motion by Mr. Harris,

Referred to the committee on banks.

#### BILLS INTRODUCED.

By unanimous consent,

Mr. Drew introduced

Senate bill No. 52. A bill organizing the thirteenth judicial circuit, prescribing the times of holding courts therein, and the length of the terms thereof, providing for the appointment and election of a circuit judge therein, attaching the counties of Sullivan, Green and Lawrence to the third judicial circuit, declaring the time the same shall take effect and repealing all laws contravening its provisions,

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

##### *House Bills on Second Reading.*

No. 2. A bill to amend an act entitled "an act to incorporate the Indiana Cotton Mill," approved February 15th, 1848.

Was read a second time, and

On motion by Mr. Richardson, of Spencer,

Was referred to the committee on corporations.

##### *Senate Bills on Third Reading.*

No. 17. A bill to authorize the successors of executors and administrators to make sale and conveyance of realty, under orders of sale procured by their predecessors,

Was read a third time, and the question being,

Shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Combs, Crane, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, and Witherow—43.

No Senator voting in the negative.

So the bill passed.

*Ordered*, that the secretary inform the House thereof.

No. 35. A bill creating the twelfth judicial circuit, providing for the election of a judge thereof, fixing the times of holding courts therein, providing for the appointment of a judge to fill the vacancy therein declared, regulating the return of process, &c., and providing for the prosecution of the pleas of the State therein,

Was read a third time, and the question being,

Shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Bearss, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow, and Woods—43.

*Those who voted in the negative were,*

Messrs. Barnett, Harris, Hosbrook, Hostetler, Shields, Shook, and Slater—7.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 21. A bill to adjust the Gibson Seminary Township claim;

Was read a third time.

Mr. Shields moved to lay the bill on the table, and that 150 copies thereof, together with the report of the committee, and the last act of Congress on that subject, be printed for the use of the Senate.

No. 30. A bill to amend the 13th section of an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases, approved June 19, 1852:

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barnett, Bearss, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Robinson, Rugg, Sage, Shields, Shook, Spann, Suit, Weston, Wilson, Witherow and Woods—42.

*Those who voted in the negative were,*

Messrs. Freeland, Richardson of Spencer and Vandevanter—3.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 33. A bill to give the circuit courts concurrent jurisdiction with the courts of common pleas in cases of riot;

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Combs, Crane, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—46.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 36. A bill to amend sections 29, 30 and 31, of an act to provide for a general and uniform system of common schools, and school libraries and matters connected therewith, and to provide for the distribution of the school funds in 1855;

Was read a third time,

When,

On motion by Mr. Glazebrook,  
The bill was laid on the table and two hundred copies ordered to be printed.

Leave being granted,  
Mr. Alexander, chairman of the committee on Banks, made the following report:

MR. PRESIDENT :

The committee to whom was referred joint resolution No. 4, entitled, a joint resolution on the subject of banks, have instructed me to report the same back without amendment, and respectfully recommend its passage.

The report was concurred in, and the joint resolution ordered to be engrossed.

On motion by Mr. Slater,  
The vote ordering Senate bill No. 36, to be laid on the table and printed, was reconsidered.

When,

On motion by Mr. Slater,  
The bill was laid on the table.

Leave being granted,

Mr. Hawthorn, from the committee on Corporations, made the following report:

MR. PRESIDENT :

The committee on Corporations to whom was referred Senate bill No. 13, a bill to amend section 3 of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11th, 1852, have had the same under consideration, and I am directed to report the bill back, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Leave being granted,

Mr. Rugg, Chairman of the Committee on the organization of Courts, made the following report :

MR. PRESIDENT :

The committee on the "organization of Courts" to whom was referred the resolution of the Senate in the words following, to-wit:

*Resolved*, That the committee on the Judiciary, be instructed to inquire into the propriety of abolishing the existing system of Common Pleas Courts; and that with a view thereto, they inquire into

the comparative cost of said Common Pleas system, and a system of Circuit Courts sufficiently extensive to exercise all the jurisdiction now exercised by said Common Pleas Courts, with convenient dispatch, and make report in relation thereto, at an early day of the present session of the General Assembly.

Have had the same under consideration, and direct me to report that in the opinion of your committee, the said system of Common Pleas Courts cannot, with propriety, be abolished.

And the committee direct me further to report, that they have inquired into the comparative cost of the Common Pleas system, and an extended system of Circuit Courts, with a view to its being sufficiently extensive to exercise all the jurisdiction now exercised by said Courts of Common Pleas, and they find that so far as the pay to the judges of the respective courts furnishes data for such a comparison, that there are forty-four Common Pleas Districts, in which Districts the pay to judges varies from \$500 to \$800, the aggregate of which, as now allowed by law, amounts to \$26,700; which sum, in the opinion of your committee is but little if any less than the sum which would be required to pay the judges of the Circuit Courts, if the system of said Courts should be sufficiently extended to exercise the whole jurisdiction now exercised by both of said Courts.

And further, your committee regard it as a measure impracticable to so extend the jurisdiction of the Circuit Courts, that its practical effect would be to place upon the dockets of said courts in some of the counties, over twelve hundred cases, which, in the opinion of your committee, is far too great a number for any one court to properly adjudicate upon at a single term.

And further, that although a change in the system like the one proposed might work a trifling saving to the public treasury, yet to parties litigant, it would greatly increase the costs, in this, that the prolongation of the terms of said courts to an extent sufficient to transact such an amount of business, would require such parties to remain in attendance from day to day, and week to week, with long lists of witnesses and heavy expenses incident to their attendance, which in many instances, would be very burdensome, if not ruinous to the parties entering said courts.

Your committee therefore respectfully ask the Senate to concur in this report, and to be discharged from the further consideration of said resolution,

Which report was concurred in.

### *Senate bills on their Second Reading.*

No. 44. A bill authorizing county auditors to call a special term of the board of county commissioners whenever the interest of the county may demand it,



Was read a second time, and  
 On motion,  
 Ordered to be engrossed.

No. 45. A bill fixing the time of holding the several circuit courts in the third judicial circuit, prescribing the length of the terms thereof, and repealing all laws in conflict with the same,

Was read a second time, and  
 On motion by Mr. Hawthorn,  
 Referred to a select committee of three.

Messrs. Hawthorn, Freeland, and Combs were appointed said committee.

No. 46. A bill in relation to companies, plank, McAdamized and gravel roads,

Was read a second time, and  
 On motion by Mr. Hosbrook,  
 Referred to the committee on Corporations.

No. 47. A bill amendatory of, and supplemental to, an act entitled "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the conditions of said grant," approved May 29, 1852,

Was read a second time.

Mr. Hawthorn moved to refer the bill to the committee on swamp lands.

Mr. Meeker moved to lay the bill on the table,  
 Which was not agreed to.

The question then recurring on Mr. Hawthorn's motion to refer to committee on swamp lands,

It was agreed to.

No. 48. A bill to provide for the preservation of newspapers published in the several counties of the State of Indiana, in the office of the auditor of each county,

Was read a second time, and  
 On motion by Mr. Wilson,  
 Referred to the committee on county and township business.

No. 50. A bill to provide for the election of United States Senator,

Was read a second time, and  
 On motion by Mr. Anthony,  
 Referred to the Judiciary committee.



A message from the House by Mr. Levering, their Clerk :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 7. A bill to abolish the seventh judicial circuit of the State of Indiana, creating a twelfth circuit and fixing the times of holding courts therein,

In which the concurrence of the Senate is respectfully requested.

The bill contained in the foregoing message  
Was read a first time and passed to a second reading.

On motion by Mr. Slater,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

The hour having arrived, the Senate resolved itself into a committee of the whole, on

Senate bill No. 32. A bill repealing section 1st of an act entitled, "an act concerning interest on money," approved May 27th, 1852, and to authorize the taking of interest at a rate not exceeding ten per centum per annum, where the same is agreed for in writing,

Senator Meeker in the chair;

And after spending some time in consideration thereof, the committee rose and submitted the following report through their chairman :

MR. PRESIDENT :

The committee of the whole Senate, to whom was referred Senate bill No. 32, have had the same under consideration, and have directed me to report progress, and ask leave to sit again on Saturday next at 2 o'clock P. M.

The report was concurred in by the Senate.

Mr. Vandevanter offered the following resolution :

*Resolved*, That the committee on elections have power to send for persons and papers to enable them to prosecute their investigations in the case of the contested seat of Mr. McDowell.

Pending which,

On motion by Mr. Glazebrook,  
The Senate adjourned.

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FRIDAY MORNING, 9 o'clock, }  
January 19th, 1855. }

The Senate met.

On motion by Mr. Brown,  
The reading of the Journal of yesterday was dispensed with.

**PETITIONS, MEMORIALS AND REMONSTRANCES.**

By Mr. Spann :

The memorial of John Geiger, relating to the purchase of his tax tables for the use of county auditors offices.

Which,

On motion by Mr. Spann,

Was referred to the committee on County and Township business.

By Mr. Burke:

The petition from seven citizens of the county of Wayne, asking the passage of a law for the suppression of intemperance, embracing within its provisions the principles of "search, seizure, confiscation, and destruction,

Which,

On motion by Mr. Burke,

Was referred to the committee on Temperance.

**REPORTS FROM COMMITTEES.**

Mr. Shields, chairman of the committee on Elections, made the following report :

MR. PRESIDENT:

The committee on elections, to whom was referred the papers and certificates, in the case of the contested election from the county of Harrison, wherein Peter Glenn contests the seat of John Mathes, have had the same under consideration, and directed me to report as follows:

That it is the unanimous opinion of the committee, that the only evidence which they could consider, was that arising from the certificates issued by the clerk of said county of Harrison, the one dated November 15, 1854, which reads in the words and figures following, to-wit:

STATE OF INDIANA, } SS:  
HARRISON COUNTY, }

I, Hugh Neely, of the Harrison Circuit Court in the Second Judicial Circuit of Indiana, do hereby certify, that agreeable to the certified returns made to my office, by the Board of Canvassers of the election, held in said county on the second Tuesday in October, A. D. 1854, Peter Glenn was by said Board declared duly elected Senator to the General Assembly of the State of Indiana.

In testimony whereof, I have hereunto subscribed my name and affixed the seal of said county at Corydon, the 15th day of November, A. D. 1854.

HUGH NEELY, *Clerk.*

The other dated December 29th, 1854, which reads in the words and figures following, to-wit:

STATE OF INDIANA, } SS:  
HARRISON COUNTY, }

I, Hugh Neely, Clerk of the Harrison Circuit Court, do hereby certify that at the General Election, held in said county on the 10th day of October, 1854, it appears from the official tally papers and certificates of the proper boards of officers of said election in the respective townships of said county, duly returned and filed in my office, that at said election the official vote for John Mathes, Peter Glenn and George P. R. Wilson, the only opposing candidates for a seat in the Senate of the General Assembly of the State of Indiana, was as follows, to-wit:

	<i>John Mathes.</i>	<i>Peter Glenn.</i>	<i>G. P. R. Wilson.</i>
In Harrison township.....	220	211	38
In Spencer township.....	94	39	30
In Posey township.....	64	115	40
In Heth township.....	51	143	11
In Boone township.....	50	150	37
In Webster township.....	51	77	18
SJ—9			

In Scott township.....	96	32	3
In Taylor township....	12	91	42
In Washington township.....	46	78	32
In Blue River township.....	90	30	23
In Morgan township.....	119	75	6
In Franklin township.....	165	71	26
In Jackson township.....	118	55	14
	<hr/>	<hr/>	<hr/>
	1176	1167	320

I, Hugh Neely, Clerk as aforesaid, further certify that the above are all the townships, and voting precincts of said county, and that the vote received by each candidate is placed under his name in the above table of townships.

[L. s.] In testimony whereof, I hereunto set my hand  
and affix the seal of said county at Corydon,  
the 29th day of December, A. D. 1854.

HUGH NEELY, *Clerk.*

By reference to the certificates it will appear that the first one issued to said Peter Glenn, declares him duly elected as Senator; but the second certificate gives the full vote of every township, the number cast for each person, by which it appears that John Mathes received the largest vote cast for any person at said election for said office of Senator. The law made it the duty of said Board of Canvassers to have proclaimed said Mathes duly elected. Your committee are of opinion that the error occurred by said Board of Canvassers, transferring the result of the township tally papers to the County Canvass papers; but however it occurred, certain it is, that said Mathes received the highest vote cast for any individual for Senator.

The committee have therefore instructed me to make the foregoing report of the facts, and ask to be discharged from the further consideration of the subject.

Mr. Slater moved the previous question;  
Which was not seconded by the Senate.

On motion by Mr. Tarkington,

The further consideration of the report was postponed until Tuesday next at 10 o'clock, and made the special order for that hour in committee of the whole.

Mr. Spann, chairman of the committee on Military Affairs, made the following report:

MR. PRESIDENT:

The committee on Military Affairs to whom was referred a resolution of the Senate, inquiring into the expediency of repealing *all* laws now in force requiring military trainings, have had the same

under consideration, and have directed me to report that it is inexpedient to repeal said laws, and ask the concurrence of the Senate.

Which report was concurred in.

Mr. Slater, from the committee on the Judiciary, made the following report :

MR. PRESIDENT:

The Judiciary Committee to whom was referred Senate Bill No. 22, a bill to amend the 78th Sec. of an act defining misdemeanors, and prescribing punishment therefor, approved 14th June, 1852, have examined the same, and have directed me to report it back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

#### RESOLUTIONS.

The question pending at adjournment on yesterday, was the adoption of a resolution offered by Mr. Vandevanter, allowing the committee on Elections to send for persons and papers, in the case of the contested seat of Mr. McDowell.

Which was agreed to by the Senate.

On motion by Mr. Brookshire,

*Resolved*, That the committee on Education be required to report a bill so amending the common school law, so as to exempt persons of color from paying a common school tax.

On motion by Mr. Tarkington,

*Resolved*, That the committee on Education be instructed to report a bill providing that all the school funds raised in each county, be retained in such county for educational purposes.

Mr. Jackson of Tipton offered the following preamble and resolution :

**WHEREAS**, by the recent decisions of the Supreme Court, many of the amendments to the Revised Statutes are declared null and void ; and whereas, it is important that most of them should be re-enacted ; therefore,

*Resolved*, That a select committee of five be appointed to report from time to time, such as are made null and void by such decision, and that they be required to report by bill or otherwise.

Which was agreed to, and Senators Jackson of Tipton, Anthony, Harris, Witherow and Alexander, were appointed said committee.

On motion by Mr. Mansfield,

*Resolved*, That the committee on the Judiciary be instructed to report a bill carrying into effect the 9th Article, 2d Section of the Constitution, relative to establishing Houses of Refuge.

#### JOINT RESOLUTIONS INTRODUCED.

By unanimous consent,  
Mr. Hawthorn introduced

Senate joint resolution No. 5. A joint resolution in relation to the election of United States Senators.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Jackson, of Tipton, introduced

Senate joint resolution No. 6. A joint resolution asking Congress to patent to the State of Indiana, all lands purchased of the United States after the passage of the act of Congress donating the swamp and overflowed lands of the State of Indiana, and afterwards returned as swamp lands,

Which was read a first time and passed to a second reading.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Shields introduced

Senate bill No. 53. A bill giving certain powers to foreign corporations,

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Drew introduced

Senate bill No. 54. A bill to amend the first section of an act approved May 13, 1852, entitled "an act providing for the appointment of deputies for certain officers and prescribing their duties and liabilities.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Jackson, of Tipton, introduced

Senate bill No. 55. A bill to regulate the title of all those who purchased swamp lands of the United States after the date of the



donation, and before the selection of the swamp lands by the State of Indiana, and to authorize the State to refund the excess where said purchaser paid over one dollar and twenty-five cents per acre.

Which was read a first time and passed to a second reading.

By unanimous consent,

Mr. Richardson, of St. Joseph, introduced

Senate bill No. 56. A bill to authorize connecting railroad companies to make running and operating contracts, to lease and sell parts of their roads to other railroad companies, and to authorize the lessees or vendees to hold and enjoy the same, and to acquire and perfect the title to the right of way.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

##### *Senate Bills on Second Reading.*

No. 52. A bill to organize the thirteenth judicial circuit, prescribing the time of holding courts therein, and the length of the terms thereof; providing for the appointment and election of a circuit judge therein, attaching the counties of Green, Sullivan, and Lawrence, to the third judicial circuit, declaring the time the same shall take effect, and repealing all laws contravening its provisions.

Was read a second time, and

On motion by Mr. Drew,

Referred to a select committee of seven, consisting of Senators Drew, Tarkington, Alexander, Freeland, Combs, Hawthorn, and Richardson of Spencer.

#### HOUSE BILLS ON SECOND READING.

No. 7. A bill to abolish the Seventh Judicial Circuit of the State of Indiana, and creating a Twelfth Circuit, and fixing the times of holding Courts therein.

Was read a second time, and

On motion by Mr. Spann,

Referred to the Judiciary Committee.

#### SENATE BILLS ON THIRD READING.

No. 13. A bill to amend section 3 of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof and declaring their duties," approved June 11th, 1852.

Was read a third time, and the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Brookshire, Brown, Burke, Crane, Crouse, Drew, Ensey, Freeland, Glazebrook, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—38.

No Senator voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 20. A bill concerning deeds of assignment of debtors for the benefit of preferred creditors.

Was read a third time.

On motion by Mr. McCleary,

A call of the Senate was ordered. The Secretary proceeded to the call, when the following Senators answered to their names:

Messrs. Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—42.

On motion by Mr. Slater,

A further call of the Senate was dispensed with.

On motion by Mr. Slater.

The bill was laid on the table.

No. 44. A bill authorizing county auditors to call a special term of the board of County Commissioners, whenever the interest of the county may demand it.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Glazebrook, Harris, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Rey-

nolds, Richardson of St. Joseph, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—40.

Messrs. Griggs and Richardson of Spencer voting in the negative

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Leave being granted,

On motion by Mr. Hawthorn,

*Resolved*, That when this Senate adjourn, it adjourn to meet on Monday next at 2 o'clock P. M.

#### SENATE JOINT RESOLUTIONS ON THIRD READING.

No. 4. A joint resolution on the subject of free banks.

Was read a third time,

The question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Burke, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Meeker, Parker, Reynolds, Richardson of St. Joseph, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—39.

Messrs. Brown and McDowell voting in the negative.

So the joint resolution passed.

On motion by Mr. Griggs,

The vote just taken was reconsidered.

On motion by Mr. Griggs,

By unanimous consent of the Senate,

The joint resolution No. 4, was changed into an act.

On motion,

The last section of the act was amended by striking out the words "joint resolution," and inserting the words "an act."

The question then being shall the bill as amended pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Burke, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Meeker, Parker, Reynolds, Richard-

son of St. Joseph, Richardson of Spencer, Rugg, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow, and Woods.—38.

Messrs. Brown, McDowell, and Mathes voting in the negative.

So the bill passed.

On motion by Mr. Cravens,

The title of the bill was amended by striking out the words "joint resolution and inserting the words "an act."

*Ordered*, That the Secretary inform the House thereof.

On motion by Mr. Tarkington,

Senate bill No. 36. A bill to amend section 29, 30, and 31 of an act to provide for a general and uniform system of common schools, and school libraries and matters properly connected therewith, and to provide for the distribution of the school funds in 1855,

Was taken from the table.

On motion by Mr. Tarkington,

And by the unanimous consent of the Senate, the bill was amended as follows:

Section 4. WHEREAS, There being no law in force regulating the distribution of school funds and giving the State Superintendent time to make his reports after settlement of county treasurers, and by adding after the last word in the last line of Section 4 the words "and publication in the Indiana State Sentinel and Indiana State Journal."

The question then being,  
Shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Brookshire, Brown, Crane, Cravens, Crouse, Drew, Ensey, Glazebrook, Griggs, Hawthorn, Hosbrook, Hostetler, Jackson of Tipton, Kightley, McDowell, Mansfield, Mathes, Reynolds, Richardson of St. Joseph, Rugg, Shields, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow, and Woods—35.

Messrs. Bearss, McCleary, and Meeker, voting in the negative—3.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

A message from the House by Mr. Levering, their clerk :

MR. PRESIDENT:

I am directed by the House to transmit to the Senate the following resolution of the House:

*Resolved*, That this House will, the Senate concurring, go into an election for State Agent on to-morrow at 10 o'clock A. M.,

To which the concurrence of the Senate is respectfully requested.

Mr. Anthony moved that the resolution contained in the foregoing message and the subject matter thereof be postponed until the 22d day of February next.

And the ayes and noes were demanded by Senators Anthony and Bearss.

*Those who voted in the affirmative were,*

Messrs. Anthony, Brookshire, Brown, Drew, Glazebrook, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shields, Shook, Slater, Spann, Tarkington, and Weston—25.

*Those who voted in the negative were,*

Messrs. Barnett, Bearss, Crane, Crouse, Ensey, Freeland, Griggs, Meeker, Parker, Suit, Vandevanter, Williams, Wilson, Witherow, and Woods—15.

So the resolution was postponed.

On motion by Mr. Slater,  
The Senate adjourned.

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MONDAY 2 o'clock, P. M. }  
January 22d, 1855. }

The Senate met.

On motion by Mr. Meeker,  
The reading of the journal was dispensed with,

The President laid before the Senate the following communication from the superin'tendent of common schools:

Hon. A. P. WILLARD,

*Lieut. Governor of Indiana:*

DEAR SIR:—I have the honor herewith to transmit to you a copy of the third Report of the Department of Public Instruction, to be laid before the Senate.

Yours respectfully,

CALEB MILLS,

*Superintendent of Public Instruction.*

JANUARY 19, 1855.

When,

On motion by Mr. Spann,

The report was laid on the table and 10,000 copies ordered to be printed.

#### REPORTS FROM COMMITTEES.

Mr. Hendry, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred Senate bill No. 41. "a bill providing for official notice of the time when the statutes of this State are in force," have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage.

The report was concurred in and bill ordered to be engrossed.

Mr. Anthony, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred Senate bill No. 42, a bill to enable parties to convey lands, tenements, and hereditaments, held adversely, and to give validity to contracts heretofore made therefor, and to enable venders to recover possession thereof; have had the same under consideration, and directed me to report it back amended by striking out section 2, and when so amended, recommend its passage.

The report was concurred in, amendment adopted, and the bill ordered to be engrossed.



Mr. Anthony, chairman of the committee on the Judiciary, made the following report:

**MR. PRESIDENT:**

The committee on the Judiciary to whom was referred a Senate Bill No. 28, a bill to regulate the fees of county auditors for transferring lands for taxation; have had the same under consideration, and have directed me to report it back with the following amendments: Strike out sections 3, 4, and 5, and amend section 2 so as to read as follows, to-wit. "Section two hundred and one of chapter six of the Revised Statutes, be, and the same is hereby repealed;" and when so amended, recommend its passage.

The report was concurred in, amendments adopted, and the bill ordered to be engrossed.

Mr. Brown, from the committee on the Judiciary, made the following report:

**MR. PRESIDENT:**

The committee on the Judiciary, to whom was referred Senate bill No. 31, a bill repealing an act therein named, and reinstating the former Trustees of the town of Clarksville in their powers, duties and rights; have had the same under consideration, and have directed me to report it back with the following amendment: Add after Sec. 3, sec 4, nothing in this act contained shall be construed to vest in said trustees any municipal corporate authority, or to prevent the inhabitants of the town of Clarksville from organizing a town or city government within the limits of Clarksville, under the general laws of this State. And when so amended they respectfully recommend its passage.

The report was concurred in, and the amendments adopted.

On motion by Mr. Anthony,

The bill was considered as engrossed, and read a third time.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Brown, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, McDowell, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Vandevanter, Weston, Wilson and Witherow

No Senator voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Mr. Suit, from the committee on the Judiciary, made the following report:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred Senate bill No. 6, for the "protection of the Sabbath," have had the same under consideration, and have directed me to report the following bill as a substitute, and recommend its passage:

Strike out from the enacting clause and insert—

That if any person of the age of fourteen years, and upwards, shall be found on the first day of the week commonly called Sunday, rioting, hunting, fishing, quarreling, at common labor, or engaged in their usual avocations, (works of charity and necessity only excepted,) such person shall be fined in any sum not less than one and more than ten dollars; but nothing herein contained shall be construed to effect such as conscientially observe the seventh day of the week, as the Sabbath, traveling families removing, keepers of toll bridges and toll gates and ferrymen, acting as such.

SEC. 2. *Be it further enacted*, That in all cases arising under the provisions of this act, justices of the peace and courts of common pleas shall have concurrent jurisdiction.

SEC. 3. *Be it further enacted*, That prosecutions under this act shall be commenced within one year, next after the commission of said offense.

The report was concurred in, amendment adopted, and the bill ordered to be engrossed.

Mr. Suit, from the committee on the Judiciary, made the following report:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred Senate bill No. 1, have had the same under consideration, and have directed me to report the same back and recommend that it be indefinitely postponed.

The report was concurred in, and the bill indefinitely postponed.

Mr. Richardson of St. Joseph, chairman of the committee on Corporations, made the following report:

MR. PRESIDENT:

I am directed by the committee on Corporations, to whom was referred House bill No. 2. "An act to amend an act entitled, an act to incorporate the Indiana Cotton Mills, approved February 15,

1848," to report said bill back to the Senate and recommend its passage.

The report was concurred in, and the bill read a third time.  
The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Burke, Combs, Crane, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Spann, Suit, Vandevanter, Weston, Williams, Wilson, and Witherow—34.

Messrs. Shields and Slater voting in the negative—2.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Mr. Crouse, from the committee on corporations, made the following report:

MR. PRESIDENT :

The committee on corporations have had under consideration Senate bill No. 46, "a bill in relation to companies, plank, McAd-amized, and gravel roads," and I am directed to report it back to the Senate and recommend its passage.

The report was concurred in and bill ordered to be engrossed.

Mr. Richardson of St. Joseph, chairman of the committee on corporations, made the following report :

MR. PRESIDENT :

The committee on corporations to whom was referred bill of the Senate, No. 39, "a bill to regulate the crossings of public highways and private roads by railroads," have had the same under consideration, and I am directed to report the same back to the Senate with *two* amendments, after the adoption of which, they recommend its passage:

In the 7th line, section 1st, after the word "established" insert the words "or that may hereafter be established."

In the 14th line, section 1st, after the word "district" insert the words "or person so interested."

The report was concurred in, amendments adopted, and bill ordered to be engrossed.

Mr. Hosbrook, chairman of the committee on swamp lands, made the following report :

Mr. PRESIDENT:

The committee to whom was referred Senate bill No. 43, have had the same under consideration and have directed me to report the same back to the Senate without amendment and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

#### RESOLUTIONS.

On motion by Mr. Hosbrook,

*Resolved*, That the committee on corporations be instructed to enquire into the expediency of so amending the 62d section of an act entitled an act for the incorporation of cities, whereby the common council shall have power to order any sidewalk, street or alley improved at the expense of the owners of property on such sidewalk, street or alley, whenever in the opinion of said common council it may be necessary.

Leave being granted,

On motion by Mr. Anthony,

Senate Bill No. 29. A bill to provide for the organization of Railroad Companies.

Was taken from the table, and

Referred to the committee on Corporations.

On motion by Mr. Hostetler,

*Resolved*, That the committee on county and township business, be requested to report a bill to give to the several county boards in this State, jurisdiction over all public roads, or highways and bridges within their respective counties.

On motion by Mr. Sage,

WHEREAS, it is important that all laws should be equal in their operations, not only throughout the State, but upon all species of property: AND WHEREAS, such equality does not, and cannot exist under the present assessment laws of the State of Indiana, inasmuch as property is liable to be, and is frequently taxed twice or thrice in the same year, therefore

*Resolved*, That the committee on the Judiciary be instructed to inquire into the necessity of amending the 91st section of an act entitled "an act to provide for the valuation and appraisement of the

real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisors of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, which section reads as follows, to-wit :

"SEC. 91. The board of county commissioners, auditors, and assessors, shall meet at the seat of justice of each county, on the first Monday of June annually, and shall constitute a board of equalization, who shall have power to hear and determine the complaint of any owner of personal property, moneys, rights, credits, effects, or stocks or poll listed, respecting the same, and the valuation of any such property or taxables made subsequent to the preceeding first day of January, and shall correct any list or valuation as they may deem proper, and shall have power to equalize the valuation made by the assessors, either by adding to or deducting from their valuation, such sums as to them, or a majority of them, shall appear just and equitable."

Be amended to read as follows: "and that if any person who may be taxed with any real or personal property for which he is in arrearage, being held by any person within this State, the said board, upon proper proof of the facts, may deduct the amount of such indebtedness, from the tax list of such applicant."

On motion by Mr. Jackson, of Tipton,

*Resolved*, That the Secretary of State be authorized to furnish each member of the Senate with a copy of the reports of each of the Benevolent Institutions for the year 1853.

Leave being granted,

Mr. Kightley, from the committee on the Judiciary, made the following report:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred Senate bill No. 3. "An act to amend sec. 78 of article 8 of an act entitled, an act to revive, simplify, and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

#### BILLS INTRODUCED.

By unanimous consent,

Mr. Richardson of Spencer introduced,

Senate bill No. 58. A bill to amend the twenty-fourth, the thirty-first, the thirty-third and thirty-seventh sections of an act entitled, "an act to provide for the opening, vacating and change of highways," approved June 17th, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Weston introduced,

Senate bill No. 59. A bill to amend an act entitled, "an act to amend and simplify the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct actions at law and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity."

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Drew introduced,

Senate bill No. 60. A bill to tax the premiums received by fire insurance companies incorporated without this State, for the benefit of fire companies within the same.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

##### *Senate Bills on Second Reading.*

No. 53. A bill giving certain powers to corporations.

Was read a second time, and

On motion by Mr. Hawthorn,

Referred to the committee on Corporations.

No. 54. A bill to amend the first section of an act approved May 13th, 1852, entitled "an act providing for the appointment of deputies of certain officers, and prescribing their duties and liabilities,"

Was read a second time, and

On motion by Mr. Hosbrook,

Referred to the committee on the Organization of Courts.

No. 55. A bill to regulate the title of all those who purchased swamp lands of the United States after the date of the donation, and before the selection of the swamp lands by the State of Indiana,



and to authorize the State to refund the excess where said purchaser paid over one dollar and twenty-five cents per acre.

Was read a second time, and  
On motion by Mr. Freeland,  
Referred to the committee on Swamp Lands.

No. 56. A bill to authorize connecting railroad companies to make running and operating contracts, to lease and sell parts of their road to other railroad companies, and to authorize the lessees or vendees to hold and enjoy the same, and to acquire and perfect the title to the right of way.

Was read a second time, and  
On motion by Mr. Richardson of St. Joseph,  
Referred to the committee on Corporations.

*Senate Joint Resolutions on second reading.*

No. 5. A joint resolution in relation to the election of United States Senator.

Was read a second time, and  
On motion by Mr. Hawthorn,  
Referred to a select committee of five.  
Messrs. Hawthorn, Spann, Crouse, Weston and Mansfield were appointed said committee.

No. 6. A joint resolution asking Congress to patent to the State of Indiana all lands purchased of the United States after the passage of the act of Congress donating the swamp and overflowed lands to the State of Indiana and afterwards returned as swamp lands,

Was read a second time, and  
On motion by Mr. Shields,  
Referred to the committee on Swamp Lands.

*Senate Bills on Third Reading.*

No. 22. A bill to amend the 78th section of an act defining misdemeanors and prescribing punishment therefor, approved June 14th, 1852;

Was read a third time,  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McDowell, Meeker, Parker, Richardson of St. Joseph, Rugg, Sage, Shook, Slater, Suit, Vandevanter, Weston, Williams, Wilson, and Witherow—31.

*Those who voted in the negative were,*

Messrs. Freeland, Glazebrook, Mansfield, Mathes, Richardson of Spencer, Shields, and Spann—7.

So the bill passed.

*Ordered*, that the Secretary inform the House thereof.

The following message from the House was taken up.

**MR. PRESIDENT :**

I am instructed to inform the Senate that the House has passed the following engrossed bill thereof, being

House bill No. 11. Entitled an act to amend the 303d section of an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity, approved June 18th, 1852.

Also,

House bill No. 19, entitled a bill to amend the 1st and 4th sections of an act entitled an act authorizing Recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals, approved Feb. 16th, 1852.

Also,

House bill No. 24, entitled an act to amend the 3d and 4th sections of an act for the incorporation of cities.

Also,

House bill No. 29, entitled an act to amend an act entitled an act to revise, simplify, and abridge the rules, practice, pleading and forms in civil cases in the courts of this State.

Also,

House bill No. 38, entitled a bill authorizing county agricultural societies to purchase and hold real estate.

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 11, 19, 24, 29, and 38, contained in the foregoing message were each read a first time and passed to a second reading.

A message from the House, by Mr. Levering, their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution, and respectfully request the concurrence of the Senate thereto:

*Resolved*, The Senate concurring, that three thousand copies of the Annual Report of the Commissioners and Superintendent of the Indiana Hospital for the Insane be printed and placed in the hands of the Superintendent for the use of said institution.

The resolution contained in the foregoing message was concurred in.

*Ordered*, That the Secretary inform the House thereof.

On motion by Mr. Slater,  
The Senate adjourned.

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TUESDAY MORNING, 9 o'clock, }  
January 23d, 1855. }

The Senate met.

On motion by Mr. Glazebrook,

The reading of the journal of yesterday was dispensed with.

PETITIONS, MEMORIALS, REMONSTRANCES, &c.

By Mr. Robinson:

A petition from sundry citizens of congressional township No. 10, range 10 in Decatur county, on the subject of education.

Referred to the committee on Education.

The President laid before the Senate the following communication from the Secretary of State:

## THE PRESIDENT OF THE SENATE:

*Sir*:—In compliance with a resolution adopted by the Senate on 22d January, authorizing the Secretary of State to furnish each member of the Senate a copy the Report of each of the benevolent institutions of this State, I herewith furnish to the Door-keeper of the Senate a copy of each, for each member, of the Reports of 1853.

Respectfully submitted,

ERASMUS B. COLLINS,

*Secretary of State.*

JANUARY 22, 1855.

## REPORTS FROM COMMITTEES.

Mr. Cutshaw, from the committee on Corporations, made the following report:

Mr. PRESIDENT:

The committee on Corporations to whom was referred Senate bill No. 18, a bill to repeal an act entitled, "An act to prevent Railroad Companies from changing their depots, except on conditions therein named," approved March 4, 1853, have had the same under consideration, and I am directed to report the same back to the Senate and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Richardson of St. Joseph, chairman of the committee on Corporations, made the following report:

Mr. PRESIDENT:

The committee on Corporations to whom was referred a resolution of the Senate, "That the committee on Corporations be required to report to the Senate, at an early day, upon the necessity of the General Assembly legalizing by general law, the organization of such corporations as were formed under the revised Statutes of 1852, before the distribution of said Statutes," have had the same under consideration, and I am directed to report the resolution back to the Senate, and request its reference to the committee on the Judiciary.

The report was concurred in, and the resolution referred to committee on the Judiciary.

Mr. Richardson of Spencer, chairman of the committee on Agriculture, made the following report:

Mr. PRESIDENT :

The committee on Agriculture to whom was referred so much of the Governor's message as relates to a geological survey, have had that subject under consideration, and have instructed me to report the same back, and ask its reference to a select committee on that subject.

The report was concurred in, and the resolution referred to a select committee heretofore appointed on that subject.

#### RESOLUTIONS.

Mr. Shields offered the following resolution :

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of reporting a bill making convicts to the State Prison, work after they have served their time of punishment, to pay the cost of prosecution or court fees.

Which was not agreed to.

On motion by Mr. Hawthorn,

*Resolved*, That the committee on County and Township Business inquire into the propriety, and provide by bill, that the following county officers shall commence their term of office on the first Monday of November following the election, to-wit: sheriff, treasurer, coroner, surveyor, and county commissioners, and that provision be made in said bill, that hereafter, when any of the above officers are elected, their terms be arranged to correspond with the above, so that uniformity may be brought about in the election of the above officers.

On motion by Mr. Glazebrook,

*Resolved*, That the committee on Banks be requested to enquire into the expediency of amending or repealing the present banking law, and that said committee be requested to report to the Senate on Thursday next by bill or otherwise.

On motion by Mr. Hostetler,

*Resolved*, That the committee on the Organization of Courts be instructed to inquire into the expediency of transferring all business now transacted in the courts of common pleas, to the circuit court, except probate business, and that a probate system, similar to that of 1843, be reorganized for the settlement of probate business.

## ORDERS OF THE DAY.

*Senate Bills on Second Reading.*

No. 58. A bill to amend the twenty-fourth, the thirty-first, the thirty-third, and thirty-seventh sections of act entitled, "an act to provide for the opening, vacating and change of highways," approved June 16, 1852.

Was read a second time, and

On motion by Mr. Richardson of Spencer,  
Referred to the committee on Roads.

No. 59. A bill to amend an act entitled, "an act to revise and simplify the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity."

Was read a second time, and

On motion by Mr. Brown,  
Referred to the committee on the Judiciary.

No. 60. A bill to tax the premiums received by fire insurance companies incorporated without this State for the benefit of fire companies within the same.

Was read a second time; and,

On motion by Mr. Drew,  
Referred to the committee on Corporations.

*House Bills on Second Reading.*

No. 11. A bill to amend the 303d section of an act entitled "an act to revise, simplify, and abridge, the rules, practice, pleadings, and forms in civil cases, in the courts in this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852

Was read a second time, and

On motion by Mr. Cravens,  
Referred to the committee on Judiciary.

No. 19. A bill to amend the first and fourth section of an act authorizing records to be made out complete, or general indexes to records of deeds and mortgages, and to procure and use seals, approved February 16th, 1852.

Was read a second time, and

On motion by Mr. Jackson, of Tipton,  
Was referred to a select committee consisting of Senators Jackson of Tipton, Kightley, and McCleary.



No. 24. A bill to amend an act entitled "an act for the incorporation of cities."

Was read a second time and ordered to be engrossed.

No. 29. A bill to amend an act entitled "an act to revise, simplify and abridge, the rules, practice, pleadings and forms, in civil cases in the courts of this State."

Was read a second time, and

On motion by Mr. Vandevanter,  
Referred to the committee on the Judiciary.

No. 38. A bill authorizing county agricultural societies to purchase and hold real estate.

Was read a second time; and,

On motion by Mr. Richardson, of Spencer,  
Referred to the committee on Agriculture.

*Senate Bills on Third Reading.*

No. 39. A bill to regulate the crossings of public highways, and private roads by railroads.

Was read a third time,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barnett, Bearss, Brookshire, Brown, Burke, Combs, Crane, Cutshaw, Drew, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—38.

No Senator voting in the negative,

So the bill passed.

*Ordered.*—That the Secretary inform the House thereof.

Mr. Burke moved to reconsider the vote on the passage of Senate bill No. 39, a bill to regulate the crossings of public highways, and private roads by railroads.

Which was not agreed to.

No. 3. A bill to amend section 78 of article 8 of an act entitled "an act to revise, simplify, and abridge, the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17th, 1852.

Was read a third time,

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brown, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Kightley, McDowell, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—36.

*Those who voted in the negative were,*

Messrs. Jackson of Madison, McCleary, Robinson, Shook, and Spann—5.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Senate Bill No. 28. A bill to regulate the fees of County Auditors for transferring lands for taxation.

Was read a third time.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Brown, Burke, Crane, Cravens, Crouse, Cutshaw, Drew, Freeland, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shields, Shook, Vandevanter, Weston, Williams, Wilson, and Woods—31.

*Those who voted in the negative were,*

Messrs. Bearss, Glazebrook, Jackson of Madison, Jackson of Tipton, Parker, Robinson, Sage, Slater, Spann and Witherow—10.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 42. A bill to enable parties to convey lands, tenements and hereditaments held adversely, and to give validity to contracts heretofore made therefor and to enable vendees to recover possession thereof.

Was read a third time,

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brown, Burke, Combs, Crane, Crouse, Cutshaw, Drew, Freeland, Glazebrook, Griggs, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Vandevanter, Weston, Williams, Wilson, Witherow, and Woods.—40.

Mr. Hawthorn voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 46. A bill in relation to companies, plank, McAdamized and gravel roads.

Was read a third time,

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brown, Burke, Combs, Crane, Crouse, Cutshaw, Drew, Freeland, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Vandevanter, Weston, Williams, Wilson, and Witherow—36.

*Those who voted in the negative were,*

Messrs. Glazebrook, McDowell, Shook, Slater, and Spann—5.

So the bill passed.

On motion by Mr. Crouse,

The title was so amended as to read “a bill in relation to plank, McAdamized, tram and gravel road companies.

*Ordered,* That the Secretary inform the House thereof.

No. 6. A bill for the protection of the Sabbath,

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brown, Burke, Combs, Crane, Cravens, Crouse, Drew, Freeland, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Shook, Vandevanter, Weston, Williams, Wilson, Witherow, and Woods—38.

Mr. Slater voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 41. A bill providing for official notice of the time when the Statutes of the State are in force.

Was read a third time,

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brown, Burke, Combs, Crane, Cravens, Crouse, Freeland, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Vandevanter, Weston, Williams, Wilson, Witherow, and Woods—41.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 43. A bill to confirm the title to certain swamp lands,

Was read a third time,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Freeland, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Vandevanter, Weston, Williams, Wilson, Witherow, and Woods—40.

No Senator voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 56. A bill to authorize connecting railroad companies to make running and operating contracts, to lease and sell parts of their road to other railroad companies, and to authorize the lessees or vendees to hold and enjoy the same, and to acquire and perfect the title to the right of way,

Was read a third time,

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Freeland, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Vandevanter, Weston, Williams, Wilson, Witherow, and Woods—39.

Messrs. Slater and Spann voting in the negative—2.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

A message from the House by Mr. Levering, their Clerk:

Mr. PRESIDENT :

I am directed to inform the Senate, that the House have passed the following engrossed bill thereof, being

House bill No. 76, entitled "A bill to authorize the Auditor of State to retain so much of the interest on the Stocks of any bank, as may be sufficient to indemnify the State against loss of any sum due by any bank to the State."

In which the concurrence of the Senate is respectfully requested.

The bill contained in the foregoing message was read a first time. Mr. Anthony moved to suspend the rules, and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Freeland, Glazebrook, Griggs, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Vandevanter, Weston, Williams, Witherow and Woods—41.

No Senator voting in the negative.

So the rules were suspended, and the bill read a second time by its title, and

On motion by Mr. Crouse,

Referred to the committee on Banks.

Mr. Hosbrook, chairman of the committee on Swamp Lands, made the following report:

**MR. PRESIDENT:**

The committee to whom was referred joint resolution of the Senate No. 6, have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage.

The report was concurred in, and the joint resolution ordered to be engrossed.

On motion by Mr. Jackson of Tipton,

Joint resolution No. 6 was considered as engrossed, and read a third time.

The question then being,

Shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Freeland, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Vandevanter, Weston, Williams, Witherow and Woods—41.

Mr. Bearss voting in the negative.

So the joint resolution passed.

*Ordered,* That the Secretary inform the House thereof.



On motion by Mr. Vandevanter,

The vote postponing the consideration of the contested seat from Harrison county and making it the special order of the day at 2 o'clock, P. M.,

Was reconsidered.

When,

On motion by Mr. Vandevanter,

The subject relative to the contested seat of the Senator from Harrison county, was postponed until Wednesday next at 2 o'clock P. M. and made the special order for that hour, in committee of the whole.

On motion by Mr. Witherow,

*Resolved*, That a committee of five on the part of the Senate be appointed to act with a similar committee on the part of the House, to inquire into the amendments necessary to the code of practice and report by bill or otherwise.

Messrs. Witherow, Anthony, Harris, Suit and Vandevanter were appointed said committee on the part of the Senate.

*Ordered*, That the Secretary inform the House thereof.

On motion by Mr. Cravens,

*Resolved*, That the committee on Corporations inquire into and report the expediency of so amending the law, for the construction of plank and McAdamized roads, as to authorize their respective companies to change the location of toll gates upon their several roads.

The President laid before Senate the following communication from the Superintendent of the Asylum for the Deaf and Dumb:

INSTITUTION FOR THE DEAF AND DUMB, }  
Indianapolis, Jan. 23, 1855. }

*To the Honorable President of the Senate:*

SIR:—I respectfully beg leave through you, to inform the members of the Senate, that I have received a resolution of the House of Representatives, passed Jan. 11th inst., inviting me to give an exhibition of the pupils in my charge before the members of the Legislature at such time and place as might appear most convenient. I am most happy to accept the invitation. And having consulted the committees on Benevolent Institutions of the two Houses, it has been determined to give the exhibition at the Masonic Hall, in the city, on the evening of the 15th of February next, to commence at 6 o'clock.

At that time, therefore, I respectfully invite the members of the Senate to attend, and witness such illustrations of the improvement of the pupils, and of the unique system of instruction pursued with them, as I may be able on that occasion to present.

Very respectfully,

THOS. McINTIRE,  
*Superintendent.*

On motion by Mr. Griggs,

*Resolved*, That the committee on the Organization of Courts be instructed to inquire into the expediency of altering the times of holding of the circuit and courts of common pleas, that the same may not be in session on the 4th day of July and the second Tuesday in October.

On motion by Mr. Hosbrook,

*Resolved*, That when the Senate adjourn, it adjourn to meet on to-morrow morning 9 o'clock.

The President laid before the Senate a description of the plan of the Falls City and vicinity, by Lawson Very.

Which,

On motion by Mr. Crane,  
Was deposited in the State Library.

On motion by Mr. Slater,  
The Senate adjourned.

WEDNESDAY MORNING, 9 o'clock, }  
January 24th, 1855. }

The Senate met.

The Journal of yesterday was read.

Leave being granted,

On motion by Mr. Cravens,

*Resolved*, That a committee of three on the part of the Senate

be appointed to act with a similar committee on the part of the House, whose duty it shall be immediately to inquire into and report to the Legislature, the present condition of the office of Auditor of State, and particularly as to the state of the Free Banks, their issues, securities, and any other matters therewith connected that will have a tendency to quiet public anxiety upon the subject.

Senators Cravens, McDowell and McCleary were appointed said committee on the part of the Senate.

*Ordered*, That the Secretary inform the House thereof.

#### PETITIONS, MEMORIALS, REMONSTRANCES, &C.

By Mr. Wood :

A petition from sundry citizens of the town of Jeffersonville in Clark county, on the subject of regulating the standard weight of mineral coal.

Which,

On motion by Mr. Woods,

Was referred to the committee on Manufactures.

#### REPORTS FROM COMMITTEES.

Mr. Jackson of Tipton, from the committee on Roads, made the following report :

MR. PRESIDENT :

The committee on Roads has directed me to report the following bill:

No. 61. A bill to amend the 20th and 30th sections of an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto, approved June 18, 1852.

Which was read a first time and passed to second reading.

Mr. Shook, chairman of the committee on County and Township Business, made the following report :

MR. PRESIDENT :

The committee on county and township business, to whom was referred Senate bill No. 48, have had the same under consideration and have directed me to report it back with the following amendments, and when so amended recommend its passage. Amend as follows: Strike out the word "one" in the first section and insert "two," if two are published. Strike out section two. Amend section 3 to

read as follows: "When more than two papers are published in a county, the two having the largest circulation shall be selected by such Auditor,—provided such papers publish general news and are not of the same politics." Add the following: Section 6. The act entitled an "act for the subscription to, and preservation of the public newspapers printed in the several counties of this State." approved June the 9th, 1852, be, and the same is hereby repealed. Add to the title as follows: "and to repeal an act entitled an act for the subscription to, and preservation of the public newspapers printed in the several counties of this State," approved June 9, 1852.

The report was concurred in, amendments adopted, and bill ordered to be engrossed.

Mr. Hawthorn, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred joint resolution No. 5, entitled a joint resolution in relation to the election of United States Senator, have instructed me to report the same back to this Senate, and unanimously recommend its passage.

The report was concurred in, and the joint resolution ordered to be engrossed.

#### RESOLUTIONS.

On motion by Mr. Jackson of Madison,

*Resolved*, That the committee on corporations be instructed to inquire into the expediency of a law making it a penal offence for station agents or others, hiding or in any way concealing crippled or killed stock, by the running of cars on railroads.

On motion by Mr. Freeland,

*Resolved*, That the doorkeeper inform the editors of papers that the Senate has subscribed for, that it is the desire of the Senate that the unenveloped copy of said papers be delivered in the chamber as early as 8½ o'clock, A. M.

On motion by Mr. Shook,

*Resolved*, That committee on the Judiciary be directed to inquire into the expediency of so amending section 19 of "an act prescribing the powers and duties of Justices of the Peace in State prosecutions," so as to provide for commitment for fine and costs.

On motion by Mr. Parker,

*Resolved*, That the committee on the Judiciary be requested to inquire into the expediency of legalizing by law, the proceedings of the circuit courts and courts of common pleas, so far as the same have been had under the amendments to the law for the settlement of decedent's estates, and report by bill or otherwise.

On motion by Mr. McCleary,

*Resolved*, That the committee on education be requested to enquire into the expediency of abolishing the office of Superintendent of Public Instruction, abolishing the present system of education, and establishing in lieu thereof, the congressional township system, as it existed prior to the passage of the act of 1849, with the exception that all loans and evidences of debt shall be under the control and direction of trustees, to be elected by the qualified voters of each congressional township, and that the county auditors deliver over to the clerks of the several townships, when so elected and qualified, bonds, notes, and mortgages due the several townships. Also that they report a bill requiring the Treasurer of State to pay over to the several county treasurers, for the benefit of the common school fund, the loss sustained by a number of counties by the adoption of the consolidation system, so far as the same is applicable. The Auditor's report for 1855 to form the basis of distribution.

On motion by Mr. Cravens,

*Resolved*, That the committee on the organization of courts be instructed to report a bill providing for the appointment of a judge of the court of common pleas, in cases where the judge elect of such court, is, or may be, from sickness or other cause, unable to conduct the business of the same.

On motion by Mr. Hendry,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law relating to the evidence of parties, as to permit parties to swear to their book accounts.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Jackson, of Tipton, introduced

Senate bill No. 62. A bill to amend the eleventh section of an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent of the Senate,  
Mr. Rugg introduced

Senate bill No. 63. A bill to amend the 540th section of an act entitled, "an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct actions at law and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity."

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

##### *Senate Bills on Third Reading.*

No. 18. A bill to repeal an act entitled an "act to prevent railroad companies from changing their depots except on conditions therein named," approved March 4, 1853,

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brown, Combs, Crane, Cuthaw, Drew, Ensey, Freeland, Glazebrook, Hawthorn, Helm, Hosbrook, Hostetler, Mansfield, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Spann, Suit, Tackington, Weston, Wilson, and Witherow—29.

*Those who voted in the negative were,*

Messrs. Griggs, Hendry, Jackson of Madison, Jackson of Tipton, McCleary, McDowell, Mathes, Meeker, Parker, Slater, Williams, and Woods—12.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

##### *House Bills on Third Reading.*

No. 24. A bill to amend the 3d and 4th sections of an act entitled "an act for the incorporation of cities."

Was read a third time,

The question being, shall the bill pass?



*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Weston, Williams, Wilson, Witherow and Woods—44.

No Senator voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

A message from the House by Mr. Levering, their clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed the following Senate resolution, to-wit:

*“Resolved*, That a committee of five on the part of the Senate be appointed to act with a similar committee on the part of the House, to enquire into the amendments necessary to the *code of practice*, and report by bill or otherwise, and that Messrs. Witherow, Anthony, Harris, Suit and Vandevanter were appointed said committee, on the part of the Senate,”

With the following amendment of the House: “That the committee on the part of the House shall consist of ten members, consisting of Messrs. Test, Buskirk, Trusler, Hester, McConnell, Gordon, Hillyer, Smith of Perry, Shanks and Newcomb.”

On motion by Mr. Slater,

The Senate refused to concur in the amendment of the House to the resolution of the Senate contained in the foregoing message.

*Ordered*, That the Secretary inform the House thereof.

The President laid before the Senate the following communication and report from the Auditor and Treasurer of State:

HON. A. P. WILLARD,

*President of the Senate:*

SIR: You will please lay before the Senate the enclosed report of the State Debt Sinking Fund Commissioners.

We have the honor to be your ob't servants,

J. P. DUNN, Aud. of State, }  
E. NEWLAND, Tr. of State, } *State Debt Sinking Fund Coms.*

Which report was referred to the committee on Finance.

On motion by Mr. Spann,  
Senators Sage and Weston were added to the committee on  
State Prison.

On motion by Mr. Meeker,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

Mr. Vandevanter, from the committee on Elections, made the following minority report in the contested seat from the county of Harrison :

Mr. PRESIDENT :

The undersigned, composing a minority of the committee on Elections, to whom, among other things, the disputed seat in this body for the county of Harrison, was referred, dissenting from the reasons and conclusions of a majority of the committee, respectfully make the following report, viz :

The undersigned, holding as a cardinal maxim of statesmanship, that the will of the majority asserts the only political right, and relying on its expression at the ballot box in the manner prescribed by law, as the only safe exponent of it, agree with the majority of the committee, that whether Glenn or Mathes is the legal Senator of that county, depends only, and ought to depend on which has received the legal majority of votes.

This question is not in any manner resolved by the action of the committee so far. It has only decided this one thing—that of two certificates of the clerk of that county, bearing different dates, the first legal and official, the last unofficial and unauthorized, the one in the performance of a legal clerical duty, the latter by private assumption only, and on account of which no legal or moral accountability is incurred, and wholly without pretext of law, the latter shall be paramount, and override rights created under the law. In other words, regarding the conclusion of the majority of Mathes over Glenn as foregone and absolute, on the faith of an unofficial and unsupported paper, the majority of the committee has accepted it, and anticipated investigation and desired it.

The real kernel has not yet been reached. This, as possibly in the case of all of us, waits further search, for the undersigned hold no doubt that if, even now, while we are holding our seats, it should be discovered that legal majorities for others had been obtained at the elections at which we were severally elevated to our present places, it is within the constitutional competency of the Senate to declare it, and eject us from our seats. This last conclusion exists indisputably under S. c. 10 of the 4th Article of the State Constitution, warranting each House of this General Assembly "to judge of the election, qualifications and returns of its own members."

For the language of the constitution does not indicate any certain time within which this power shall be used, and not being *exclusive*, allows this body, (and no law can control it,) to sit at all times, in judgment of the election and qualification of its members.

The undersigned, therefore, hold that this body may at all times, and under all circumstances, avail itself of the power delegated under the foregoing section and article, and consistently with its own judgment—not an arbitrary one, but curbed and restrained by considerations of law and right—retain or expel its members. The undersigned accordingly admit, that notwithstanding the certificate of election issued to Glenn on the 15th day of November, 1854, there being a total absence of contestation of his seat, yet this body may go behind it, and deny his legal election to it. The act of the General Assembly of May 4, 1852, embodied in the revised code, in its 5th and subsequent sections, provides, to be sure, for a contestation of the election of members of both branches. But this, the undersigned respectfully conceive, was not meant to control or qualify the action of this body, under the constitution. The entire right at all times and under every vicissitude of circumstances, to determine on the competency of its members, remains unimpaired by it. Even if the purpose were on the part of the last General Assembly to tie up the hands of their successors, and limit the trial of the election and qualification of its own members to this single prescribed mode, it cannot be doubted that it is wholly ineffectual for this purpose.

The act referred to seems to this portion of the committee, and a reference to its sections strongly affirms it—to contemplate only the following benefits: 1st, that to prevent a person of questionable right from taking his seat in the Legislature, or, in other words, to suspend the effect of his certificate of election irregularly obtained, until it can be tried and determined by the branch of the Legislature to which he may belong, a notice of contestation is allowed, and 2ndly, that as an early determination of the right to a seat, after the commencement of the session, is of high importance to the person elected, to his constituency, and necessary to the value of the elective franchise, in order to expedite such a trial, the law has legalized a mode of proofs, requiring them to be transmitted before a meeting of the Legislature, to the Secretary of State, that then, at once, the proper body may have them at control, to use them in "judging of the election and qualification of its members." To this

extent, that is, 1st, wholly to suspend the function of the person holding the certificate of election, in case of contest, until the question has been determined, and 2d, to prescribe a mode of proofs, command their presence as soon as the Legislature sits, and expedite a trial, was within the province of the General Assembly to go; because within this limit they thus gave effect to the provisions of the constitution, that allow us to judge of the election and qualification of our members, and help us to facilities for its exercise, without in any manner impairing the power.

If these premises are correct the following conclusions are inevitable, viz: 1st, that a person holding a certificate of election to this body, in a case in which there is no contest, is, on the presentation of it, entitled to be sworn and take his seat. 2nd, that a person, though holding a certificate of election to this body, in a case in which a notice of contestation *has* been given, has, as a lawful consequence of the notice of contest, his functions suspended, until this body has acted upon it. Notice of contest having been given, the whole matter is *res non adjudicata* until trial. Or to apply it to this instance, though Glenn held the certificate of election, yet, had notice of contest been given under the act of May 4th, 1852, neither himself or Mathes would be entitled to a seat, until trial and judgment by this body. By such an act only, in such an instance, does the right become perfect. These conclusions are entirely consistent with past precedents in legislative bodies, maintaining as they do, that certificates of election are *prima facie* evidence of the right, but subject to be disputed, and, at length, countervailed and overthrown by other proofs.

In the present instance, Glenn holds the certificate of election. It has all the requisites and forms of law. It was obtained under all its solemn requirements. A board of canvassers of the county met under the appointment of law, and alone authorized to act in the premises, at an hour prescribed, in the most public place of the county, and under the eyes of all who saw fit to be present, in the language of 1 R. S. 264, Sec. 31, "canvassed and estimated the certificates, poll lists and tally papers returned by each member of the board" and arrived at its legal judgment, that by a majority of votes, Peter Glenn had been elected to a seat to this body. In certifying this judgment to the Senate, the clerk of the circuit court of Harrison county is only a clerical officer, executing an appointed duty under the law, and his certificate of election issued to Glenn is only a legal proclamation of the result. Since this time, no notice of contest has been signified to Glenn.

These facts make Glenn's certificate of election *prima facie* evidence of his right to a seat in this body. At his appearance here, he should have been sworn and admitted to his seat, in respectful submission to the solemn declaration of the law, only afterwards to be questioned, as this body by its own rules may prescribe. The first outrage to the franchises of the electors of Harrison county, had its perpetration here in an assumption of an unwarranted offi-

cial prerogative on the part of the President of this body. In deference under the law to this incumbent, it may not honestly be disguised, that his proceedings in setting aside the certificate to Glenn, the legal patent of his right to a place among us, and giving faith to a wholly unwarranted paper, which for all legal purposes is as blank as if no words had ever been written on it, were anomalous and extraordinary. If in the case of Glenn and Mathes, he may sit in single judgment over the right, anticipating and forestalling the further action of this body, we all hold our seats by the tenure of his will, and survive in this honored presence, by no warrant of our constituency, but dwell on the tender mercies of the Lieut. Governor. The Lieut. Governor in this instance, has evidently mistaken and transgressed his power. The constitution allows him, in this character, to do these things—to preside over our deliberations—to speak and vote in committee of the whole, and to vote on an equal division. This defines within exact, narrow limits, the length and breadth of his authority. Whenever he goes beyond this, all his acts are private enterprises, or abuses of power; and whenever, as in this instance, he sets up his own single judgment as a private tribunal to try the competency and qualifications of those who may sit among us, which prerogative the constitution has ordained shall belong not to him, but to this body, he is clothed with authority borrowed at the expense of the dignity of this body and the constitution. Such acts of unwarrantable assumption of authority, for the time, may find apologists in the hucksters and small tradesmen in politics, who weigh the advantages of immediate success, got by violence done to popular sovereignty and the law, against the greater, though remoter advantages of observing faithfully the clear constitutional rule; but history, that severe truth-teller, will register the infamy of the act, and perhaps, at a later day, the justice of the retribution.

From this stand point, the undersigned humbly conceive that they can discern clearly the just and legal conclusion at which this body should arrive. The egregious usurpation in placing Mathes in a seat in this body by the presiding officer, has induced a natural error on the part of the majority of the committee. They speak of Glenn as the contestant and refer to the whole matter of the present submission, as that in which Peter Glenn contests the seat of John Mathes. Glenn is not the contestant. He is the legal incumbent by virtue of his uncontested certificate of election.

We respectfully repeat, that Glenn's certificate of election entitles him to present himself here, and receive his qualification in office. He has the *prima facie* legal right. For him there is nothing to contest. A land-holder in possession of his fee, and nobody questioning his titles, might as well be presumed to be impatiently pursuing the courts, in order to get them to decide on his rights.

It belonged to the board of canvassers of Harrison county, to declare who was elected to the State Senate from that county. They did so, and named Peter Glenn. But notwithstanding this there



was a legal mode of contesting the right of the person so declared elected. The 5th section of 1 R. S. 270, provides that "if any elector chooses to contest the election of any person declared elected to a seat in the Senate or House of Representatives, he shall within ten days file his statement of the grounds of contest, &c." From this—and the undersigned are not aware of any other law on the subject, it is obvious,—1st. That Glenn cannot be a contestant; and secondly, that the committee has no evidence before them, that Mathes is himself competent, as an elector of Harrison county, to be contestant. He may have been voted for as an *eliguee*, but this in the absence of proof, raises no presumption with the undersigned, that he is an *elector*.

In the opinion of the undersigned, the matter referred to this committee is one only of inquiry. Glenn is now entitled to his seat, and the present reference is one of any doubts that may exist as to his right to it. This requires us to examine such proofs as are before the committee. And in conformity to sec. 13 of the act already referred to, we only regard as proofs such as are competent under the authority of law. Within this description of competent legal evidence, but a single matter, in the judgment of the undersigned, has been referred to this committee. This is the certificate of election issued and delivered to Peter Glenn. Judging the whole case on this evidence, Glenn is the Senator from Harrison county, and entitled to his seat.

It is admitted that there are before the committee two certificates of the clerk of that county. But the second is unofficial and wholly nugatory, because not prescribed by law. The majority of the committee is correct in saying that the whole proof before them is within these two papers, but incorrect in allowing it to be implied that the undersigned have regarded the latter as possessing any validity whatever.

This body will observe the careful and stately forms, by which such a result as this, under the law, is declared, and the prescribed observances are the evidence of the great value attached to it.

In the first place the election being concluded in the several precincts of the county, the certificates, poll-books and tally papers are delivered to the inspector, or some other judge of elections. On the Thursday succeeding the election day, and between 9 A. M. and 6 P. M., all of them proceed from their several townships to the county seat. There they meet publicly, a board of canvassers, a body warranted and recognized by law. They have a single duty to do, and this duty can be performed by no other persons. They cannot add to or diminish from their number. They cannot delegate their power to others. When met, one of their number is selected as chairman. The clerk of the circuit court sits by, staring with them no judicial function, but the mere recorder of their doings, 1 R. S. 264, secs. 32, 33, 34. A statement is then drawn up containing "the names of the persons voted for, the office, the number of votes given, in each township and in the county, and the



aggregate number of votes." This statement is then signed by each member of the board, and with certificates, tally-papers and poll-books, is delivered to the clerk to be filed.

And then, which is the single matter of importance in this case, the law makes the following clear and unmistakable provision, viz: "*Such board shall declare the person having the highest number of votes given for any office to be filled by the voters of a single county, duly elected to such office, and certify the same in the statement above required.*" 1 R. S. 265, sec. 35. Thus it belongs to the board of canvassers only, to declare who has been elected. The clerk of the circuit court is present as a spectator, and finally becomes the custodian of the papers of the board, but he constitutes no further part of the machinery.

The result of the election having been in this manner declared, the law imposes a duty on the clerk. He is required within twenty days after the meeting of the board of canvassers, to deliver to the person so declared to be elected, his certificate of election: In this act he is only a clerical officer—here his duties end.

This deliberate judgment, so arrived at, can only be overthrown by a contestation as provided by law, or under the authority of this body.

The clerk's second certificate in this case, being out of time, out of form, beyond the province of his duty, and in no manner conformable to law, is only vanity. The imprint of the dumb seal of Harrison county on it, adds nothing to its dignity, nor authenticates its truth. It is given under no official responsibility, and, if all false, does not contradict his official oath, nor make him incur responsibility on his official bond. To give it any weight, allows the clerk to assume all the functions of the board of canvassers, revise their doings, and override their sworn declarations.

It may, as the statement of any private person may, create with us a suspicion of error, but still it lacks all the qualities of legal proof.

The committee have also before it, many volunteer affidavits of illegal votes given to Mathes, sufficient to determine the election in favor of Glenn. But though, in like manner creating suspicion, they do not rise to the dignity and character of proofs, and we therefore reject them. We rely only on the certificate of election given to Glenn.

The undersigned therefore, respectfully report the following resolution for the concurrence of the Senate.

ISAAC VANDEVANTER,  
T. WILSON.

*Resolved*, That Peter Glenn by virtue of his certificate of election, is entitled to qualification and a seat in this body; and that any contestation that may arise between himself and John Mathes, shall hereafter be determined according to right and equity, of which this body is constitutionally the only judge.

On motion by Mr. Vandevanter,

The report was referred to the committee of the whole, to be considered in connection with the majority report from same committee, on the same subject.

The hour having arrived, the Senate resolved itself into a committee of the whole on the two reports from the committee on Elections, on the subject of the contested seat from the county of Harrison, Mr. Tarkington in the chair: and after spending some time in consideration thereof, the committee rose and submitted the following report through their chairman:

MR. PRESIDENT:

The committee of the whole Senate, to whom was referred the majority and also the minority report of the committee on Elections, relative to the contested seat of the Senator from Harrison county, have had the same under consideration and have directed me to report that they have rejected the report of the minority, and concur in the report of the majority of said committee.

The question being on concurring in the report,

Mr. Suit moved the Senate adjourn.

Which was not agreed to.

The question then recurring on concurring in the report of the committee,

The ayes and noes were demanded by Senators Suit and Vandevanter.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brown, Cutshaw, Drew, Glazebrook, Harris, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Shook, Slater, Spann and Tarkington—25.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Combs, Crane, Cravens, Freeland, Griggs, Meeker, Parker, Robinson, Suit, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—17.

So the report of the committee was concurred in.

On motion by Mr. Slater,  
The Senate adjourned.

THURSDAY MORNING, 9 o'clock, }  
January 12th, 1855. }

The Senate met.

Mr. Witherow moved to dispense with the reading of the journal of yesterday,

Which was not agreed to.

The journal was then read.

Leave being granted,

Mr. Shook offered the following resolution :

*Resolved*, That we do not endorse either the spirit or the letter of the elaborate report of the minority of the committee on elections, made in the contested case of Messrs. Mathes and Glenn. Yet out of respect to the committee and to avoid the charge of attempting to suppress what they may regard a fair statement of facts in the case, we consent to its going upon the journal.

The ayes and noes were demanded by Messrs. Witherow and Vandevanter.

*Those who voted in the affirmative were,*

Messrs. Barnett, Brookshire, Brown, Crane, Cutshaw, Drew, Ensey, Glazebrook, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shields, Shook, Slater and Spann—24.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Cravens, Griggs, Helm, Hendry, Meeker, Parker, Sage, Suit, Vandevanter, Weston, Williams, Wilson and Witherow—15.

Mr. Harris was excused from voting.

So the resolution was agreed to.

#### REPORTS FROM COMMITTEES.

Mr. Slater, from the committee on banks, made the following report :

MR. PRESIDENT :

The committee on banks to whom was referred a resolution with instructions to report a bill "repealing all laws now in force in Indiana authorizing the system of Free Banks," have had the same under consideration, and directed me to report the following bill:

No. 64. A bill to repeal an act entitled "an act to authorize and regulate the business of general banking," approved May 28th, 1852.

Which was read a first time and passed to a second reading.

Mr. Hosbrook, chairman of the committee on Swamp Lands, made the following report :

MR. PRESIDENT :

The committee to whom was referred Senate bill No. 55, "a bill to regulate the title of all those who purchased swamp lands of the United States after the date of the donation, and before the selection of the swamp lands by the State of Indiana, and to authorize the State to refund the excess, where said purchasers paid over one dollar and twenty-five cents per acre," have had the same under consideration and have directed me to report the same back to the Senate and recommend its passage.

The report was concurred in and bill ordered to be engrossed.

Mr. Shields, from the committee on Swamp Lands, made the following report :

MR. PRESIDENT :

I am instructed by the committee on Swamp Lands, to report to the Senate the following bill, and recommend its passage.

No. 65. A bill to protect the drains, levees, dykes, dams, canals, rivers, creeks, and all other sources used for the draining and reclaiming of the swamp lands of this State which have been established by law.

Which was read a first time, and passed to a second reading.

#### RESOLUTIONS.

Mr. McCleary offered the following resolution :

*Resolved*, That Mr. John S. Howland be allowed the sum of \$500, for services by him performed as attorney, in a cause wherein the State of Indiana was plaintiff, and the Congressional Town-

ship, Nos. 9 and 12, &c., were defendants, in relation to common school fund. Also, that Daniel D. Jones be allowed the sum of \$20,00 for services by him performed, in the prosecution of State cases at the August term, 1854, of Franklin Circuit Court, the former Prosecutor having resigned.

Which was referred to a select committee, consisting of Messrs. McCleary, Slater and Mansfield.

On motion by Mr. Woods,

*Resolved*, That the committee on the Judiciary be instructed to inquire, by what authority the Secretary of State claims a fee for the certificate of a pardon to criminals.

On motion by Mr. Hawthorn,

*Resolved*, That the Public Printer be required to print for the use of the Senate, one thousand additional copies of the Report of the Trustees and Superintendent of the Insane Asylum, as it is an interesting and excellent Report; and is well entitled, from the amount of facts therein contained, (and of a character that all are interested in) to be generally circulated.

On motion by Mr. Woods,

*Resolved*, That the committee on Manufactures be instructed to report a bill, making the standard weight of mineral coal, 76 pounds in the State of Indiana, instead of 70.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Ensey introduced

Senate Bill No. 6. A bill to amend an act entitled "An act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

Which was read a first time, and passed to a second reading.

By unanimous consent,  
Mr. Drew introduced,

Senate Bill No. 67. A bill to repeal all general laws now in force, for the incorporation of cities, and to provide for the incorporation of cities.

Mr. Drew moved to suspend the rules, and read the bill a first time now by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brookshire, Brown, Burke, Combs, Crane, Cravens, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shook, Slater, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—40.

Mr. Bearss voting in the negative.

So the rules were suspended and the bill read a first time by its title.

Mr. Slater moved further to suspend the rules and read the bill a second time now by its title,

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Barnett, Brookshire, Brown, Burke, Combs, Crane, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shook, Slater, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow, and Woods—40.

Messrs. Bearss and Cravens voting in the negative—2.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Slater,

The bill was laid on the table and two hundred copies ordered to be printed for the use of the Senate.

By unanimous consent,

Mr. Jackson, of Tipton, introduced the following bill:

No. 68. A bill to amend the 3d section of an act, entitled "an act to provide for the erection and repair of bridges."

Which was read a first time and passed to a second reading.

By unanimous consent,



Mr. Hostetler introduced the following bill:

No. 69. A bill to prohibit the circulation of bank bill of less denomination than five dollars, and describing certain forms of procedure therein,

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

##### *Senate Bills on Second Reading.*

No. 61. A bill to amend the 20th and 30th sections of an act entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto, approved June 18, 1852.

Was read a second time, and

On motion by Mr. Brown,

Referred to the committee on Roads.

No. 62. A bill to amend the 11th section of an act entitled "an act for the more uniform mode of doing township business," approved May 6th, 1852,

Was read a second time, and

On motion by Mr. Jackson, of Tipton,

Referred to the committee on county and township business.

No. 63. A bill to amend the 540th section of an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity."

Was read a second time, and

On motion by Mr. Anthony,

Referred to the committee on the Judiciary.

##### *Senate Bills on Third Reading.*

No. 48. A bill to provide for the preservation of newspapers published in the several counties of the State of Indiana, in the office of the auditor of each county, and to repeal an act entitled "an act for the subscription to and preservation of the public newspapers printed in the several counties in this State," approved June 9th, 1852,

Was read a third time,  
The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Brookshire, Brown, Combs, Crouse, Drew, Ensey, Freeland, Griggs, Harris, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Meeker, Parker, Reynolds, Richardson of Spencer, Rugg, Spann, Suit, Tarkington, Vandevanter, Williams, Wilson, and Woods—30.

*Those who voted in the negative were,*

Messrs. Alexander, Barnett, Bearss, Burke, Crane, Cutshaw, Glazebrook, Hawthorn, Mathes, Sage, Shields, Shook, Slater, and Witherow—14.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

*Senate Joint Resolutions on third reading.*

No. 5. A joint resolution in relation to the election of United States Senator.

Was read a third time,  
The question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Combs, Crane, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Williams, Wilson, Witherow and Woods—45.

No Senator voting in the negative,

So the joint resolution passed.

*Ordered,* That the Secretary inform the House thereof.

Mr. Tarkington moved to take from the table,

Senate bill No. 21. A bill to adjust the Gibson Seminary Township claim;

Which was agreed to.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brown, Burke, Combs, Crane, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Slater, Spann, Tarkington, Weston, Wilson, and Woods—31.

*Those who voted in the negative were,*

Messrs. Barnett, Bearss, Brookshire, Crouse, Cutshaw, Hawthorn, Helm, Hendry, Mansfield, Mathes, Meeker, Parker, Shook, Williams and Witherow—14.

So the bill passed.

On motion by Mr. Tarkington,

The title of the bill was amended by adding as follows:—"and for quieting the title of Indiana University to the State University fund."

*Ordered*, That the Secretary inform the House thereof.

Leave being granted,

Mr. Woods offered the following resolution :

*Resolved*, That when the Senate adjourn, it adjourn to meet tomorrow morning 9 o'clock.

Which was agreed to.

A message from the House by Mr. Levering, their clerk :

MR. PRESIDENT:

I am directed by the House to inform the Senate, that the House has concurred in the following resolution of the Senate, to-wit:

*Resolved*, That a committee of three on the part of the Senate, be appointed to act with a similar committee on the part of the House, whose duty it shall be immediately to inquire into and report to the Legislature the present condition of the office of the Auditor of State, and particularly as to the state of the free banks, their issues, securities, and any other matters therewith connected, that will have a tendency to quiet public anxiety upon the subject.

And further, that

Messrs. Hudson, Clark of Rush and Wilson were appointed said committee on the part of the House.

A message from the House by Mr. Levering, their Clerk:

MR. PRESIDENT :

I am directed by the House to inform the Senate, that the House has receded from their amendment to the following resolution of the Senate, to-wit:

*Resolved*, That a committee of five on the part of the Senate be appointed to act with a similar committee on the part of the House, to inquire into the amendments necessary to the code of practice, and report by bill or otherwise;

And that,

Messrs. Witherow, Anthony, Harris, Suit and Vandevanter were appointed said committee on the part of the Senate;

And have reciprocated the resolution of the Senate, and appointed, Messrs. Test, Buskirk, Trusler, Hester and McConnell such committee on the part of the House.

When,

On motion by Mr. Brown,  
The Senate adjourned.

FRIDAY MORNING, 9 O'CLOCK, }  
January 26th, 1855. }

The Senate met.

The Journal of yesterday was read.

#### REPORTS FROM COMMITTEES.

Mr. Rugg, chairman of the committee on the Organization of Courts, made the following report:

MR. PRESIDENT :

The committee on the organization of courts to whom was referred a resolution of the Senate in the following words, to-wit:

*Resolved*, That the committee on the organization of courts be

instructed to enquire into the expediency of transferring all business now transacted in the courts of common pleas to the circuit courts, except probate business, and that a probate system similar to that of 1843 be reorganized for the settlement of probate business,

Have had the same under consideration and direct me to report that in their opinion it is inexpedient to legislate upon the subject embraced in said resolution.

The report was concurred in.

Mr. Rugg, chairman of the committee on courts, made the following report :

MR. PRESIDENT :

The committee on the organization of courts to whom was referred Senate bill No. 54, with proposed amendments, have had the same under consideration, and direct me to report the same back with the following amendments: Insert in the proper places the words "and court of common pleas," and also the words "county or township assessors," and upon the adoption of said amendments to recommend the passage of said bill.

The report was concurred in, amendments adopted, and bill ordered to be engrossed.

Mr. Alexander, chairman of the committee on banks, made the following report :

MR. PRESIDENT :

The committee on banks to whom was referred House bill No. 76, a bill to authorize the auditor or other officer of State to retain so much of the interest on the stocks of any banks as may be sufficient to pay its taxes and to indemnify the State against the loss of any sum due by any bank to the State, have had the same under consideration and directed me to report it back to the Senate and recommend its passage.

The report was concurred in, and  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Barnett, Bearss, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, McCleary, McDowell, Mansfield, Mathes, Meeker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Tarkington, Vandevanter, Weston, Williams, Wilson, With-  
erow, and Woods.—45.

Mr. Suit voting in the negative,

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Mr. McCleary, chairman of the committee on finance, made the following report :

MR. PRESIDENT:

The finance committee to whom were referred the report of the Committee of the Sinking Fund and the resolution of the Senate enquiring into the expediency of levying a tax of five cents on the hundred dollars to be applied to the reduction and ultimate extinction of the public debt, have instructed me to report the following bill and to recommend its passage :

No. 70. A bill to amend an act, entitled "an act in relation to applying certain funds therein named to the payment of the public debt."

Which was read a first time and passed to a second reading.

Mr. McCleary, chairman of the committee on finance, made the following report :

MR. PRESIDENT:

The committee on finance to whom was referred Senate bill No. 15, have had the same under consideration and have instructed me to report said bill back to the Senate and to recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Shields, from the committee on swamp lands, made the following report :

MR. PRESIDENT:

The committee on Swamp Lands, to whom was referred Senate bill No. 29, "a bill to authorize the refunding of money in cases where the State has sold lands as swamp lands by mistake or without authority," have had the same under consideration, and directed me to report the same back with one amendment, and as amended recommend its passage.

Amend section 1 by adding as follows: "or where the State has failed to make title from any other cause."

The report was concurred in and the bill ordered to be engrossed.



Mr. Jackson of Tipton, from the select committee, made following report:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 19, in relation to Recorders making general indexes to records of deeds and mortgages, to procure a seal, and regulating the fees for making such general index, have had the same under consideration, and directed to report it back and recommend its passage.

The report was concurred in, and the bill ordered to a third reading.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Cravens introduced

Senate bill No. 71. A bill declaring the proof of names of parties in certain cases not necessary.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Rugg introduced

Senate bill No. 72. A bill to amend section 1 of chapter 42 of the acts of 1853, approved Feb. 14th, 1853.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

##### *Senate Bills on Second Reading.*

No. 64. A bill to repeal an act entitled "an act to authorize and regulate the business of general banking," approved May 28th, 1852.

Was read a second time, and

On motion by Mr. Hostetler,

Was laid on the table.

No. 65. A bill to protect the drains, levees, dikes, dams, canals, rivers, creeks, and all other sources used for the draining and reclaiming of the swamp lands of this State, which have been established by law:

Which was read a first time and passed to a second reading.

No. 66. A bill to amend an act entitled, "an act providing for the election and qualification of Justices of the Peace, and defining

their jurisdiction, powers and duties in civil cases,' approved Jan 9, 1852.

Was read a second time and ordered to be engrossed.

No. 68. A bill to amend the third section of an act entitled "an act to provide for the erection and repair of bridges," approved May 22d, 1852,

Was read a second time and ordered to be engrossed.

No. 69. A bill to prohibit the circulation of bank bills of less denomination than five dollars, and describing certain forms of procedure therein.

Was read a second time.

Mr. Freeland moved to amend "so as only to effect the bills of other States."

When,

On motion by Mr. Shook,

The bill and pending amendments, was referred to the committee on banks.

### *Senate Bills on Third Reading.*

No. 55. A bill to regulate the title of all those who purchased swamp lands of the United States after the date of the donation and before the selection of the swamp lands by the State of Indiana, and to authorize the State to refund the excess where said purchaser paid over one dollar and twenty-five cents per acre.

Was read a third time.

On motion by Mr. Shields,

The vote ordering the bill to be engrossed, was reconsidered.

The bill was then referred to the committee on Swamp Lands.

A message from the House, by Mr. Levering, their clerk :

### **MR. PRESIDENT :**

I am directed by the House to inform the Senate, that the House has passed the following engrossed bills thereof, being

House bill No. 22. Entitled an act to amend the seventy-sixth section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14th, 1852. Also,

House bill No. 43. A bill to provide for the restoration and preservation of the records of the Supreme Court. Also,

House bill No. 45. A bill to authorize county commissioners to appoint clerks of the circuit and common pleas courts, in case of vacancy by death, resignation, or otherwise. Also,

House bill No. 46. A bill authorizing boards of trustees of high schools, academies, colleges or universities, to assume a common name, consolidate their property, sue and be sued, contract and be contracted with, and to transact their business under such common name. Also,

House bill No. 56. A bill fixing and extending the terms of the Marshall circuit court, and providing for the return of process therein.

In which the Senate is respectfully requested to concur.

House bills No. 22, 43, 45, 46 and 56, contained in the foregoing message, were read a first time, and passed to a second reading.

Mr. Brown offered the following preamble and resolution :

**WHEREAS**, as the State of Indiana holds an interest in the State Bank, and the time for winding up her business is fast approaching, it is highly important that the interest of the State be attended to : and whereas, it is rumored that the officers of the Branches of said Bank, have within the last two years established offices of discount, or shaving offices, in which a large portion of the legitimate business of the Banks are transacted, thereby preventing the State from receiving her due proportion of the same ; therefore,

*Be it Resolved*, That a committee of three be appointed, whose duty it shall be, to inquire into the facts, and report the same at as early a day as practicable, with power to send for persons and papers

Which was agreed to,

And Senators Brown, Richardson of Spencer and Meeker, appointed that committee.

On motion by Mr. Griggs,

Senate bill No. 20. A bill concerning deeds of assignments by debtors, for the benefit of preferred creditors,

Was taken from the table.

The question then being,

Shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Barnett, Cutshaw, Drew, Freeland, Harris, Helm, Hendry, Hosbrook, Kightley, McCleary, McDowell, Meeker, Parker, Richardson of St. Joseph and Richardson of Spencer—15,

*Those who vote / in the negative were,*

Messrs. Alexander, Bearss, Brookshire, Burke, Combs, Crane, Cravens, Crouse, Ensey, Glazebrook, Hawthorn, Hostetler, Jackson of Madison, Jackson of Tipton, Mansfield, Mathes, Reynolds, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, and Witherow—31.

So the bill did not pass.

On motion by Mr. Slater,

Joint resolution No. 1, A joint resolution in relation to the collection of taxes,

Was taken from the table,

When,

On motion by Mr. Cravens,

The joint resolution was made the special order of the day for Tuesday next at 2 o'clock P. M., in committee of the whole.

Mr. Spann introduced

Joint resolution of the Senate No. 7. A joint resolution directing our Senators and Representatives in Congress to vote against any change in the naturalization laws,

Which was read a first time and passed to a second reading.

On motion by Mr. Vandevanter,

*Resolved*, That the committee on public printing be instructed to enquire into the expediency of providing by law that the Secretary of State be authorized, after the expiration of the term of office of the present State printer, to contract with the lowest responsible bidder, for doing up the public documents, including, folding, stitching, covering, and pressing the sheets, and to report by bill or otherwise.

Mr. Suit offered the following resolution :

*Resolved*, That the committee on finance be instructed to report a bill providing for increasing the salaries of the Supreme Judges to \$1800, Judges of the Circuit Courts to \$1500, and the Governor of the State to \$2500.

The ayes and noes were demanded by Senators Suit and Parker.

*Those who voted in the affirmative were,*

Messrs. Barnett, Brookshire, Burke, Combs, Cravens, Crouse, Free

land, Harris, McDowell, Parker, Richardson of St. Joseph, Slater, Suit, Vandevanter, and Woods—15.

*Those who voted in the negative were,*

Messrs. Alexander, Bearss, Brown, Crane, Cutshaw, Drew, Ensey, Glazebrook, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Reynolds, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Spann, Tarkington, Weston, Williams, Wilson, and Witherow—33.

So the resolution was not agreed to.

Mr. Cravens offered the following resolution :

*Resolved*, That when the Senate adjourn it adjourn until Monday 2 o'clock P. M.

Which was not agreed to.

On motion by Mr. Tarkington,

A resolution relative to abolishing township assessors was taken from the table,

The question being on the adoption of the resolution,

Pending which,

On motion by Mr. Sage,

The Senate adjourned.

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2 o'clock P. M.

The Senate met.

The question pending at adjournment was on the adoption of the resolution abolishing township assessors.

The ayes and noes were demanded by Senators Brown and Hostetler,

*Those who voted in the affirmative were,*

Messrs. Bearss, Burke, Hawthorn, Hostetler, Parker, Shook, Tarkington, Wilson, and Witherow—9.

*Those who voted in the negative were,*

Messrs. Alexander, Brookshire, Brown, Combs, Crane, Drew,

Glazebrook, Griggs, Harris, Helm, Hendry, Hosbrook, Jackson of Tipton, McDowell, Mansfield, Mathes, Meeker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Slater, Spann, Suit, Vandevanter, Weston, Williams, and Woods—30.

So the resolution was not agreed to.

On motion by Mr. Suit,

Leave of absence was granted to Mr. Crouse until Monday next at 2 o'clock P. M.

Mr. Suit, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred a resolution of the Senate, directing them to enquire into the necessity of increasing the law library and report by bill or otherwise, have had the same under consideration and directed me to report the following bill on the subject and ask that they may be discharged from the further consideration of the subject :

No. 73. "A bill to establish a State law library, and to provide for the custody of the same.

Which was read a first time and passed to a second reading.

Mr. Richardson, of St. Joseph, introduced

Senate bill No. 74. A bill defining what shall be a sufficient railroad fence,

Was read a first time and passed to a second reading.

Mr. Richardson of St. Joseph, introduced

Senate bill No. 75. A bill to provide for the negligence, carelessness, and misconduct of the operators and agents of railroad companies, and for the punishment of persons who shall wilfully and recklessly leave open any fence, gate, or bars, of railroad companies in this State.

Which was read a first time and passed to a second reading.

Mr. Jackson of Tipton, introduced

Senate bill No. 76. A bill to amend section third of an act entitled "an act for the regulation of weights and measures," approved June 9th, 1852.

Which was read a first time and passed to a second reading.

The President laid before the Senate the following communication from the Mayor and Common Council of the city of Richmond :



OFFICE OF MAYOR AND COMMON COUNCIL, {  
 Richmond, Jan. 25th, 1855. }

At a meeting of the Mayor and Common Council of the city of Richmond, held at the council room on Thursday evening Jan. 24th, 1855, the following preamble and resolution was unanimously adopted:

WHEREAS, The Indiana Central Railway Company have invited the members of the Legislature to a complimentary ride over the road on Saturday next, to this city; therefore,

*Resolved*, That the Mayor and Common Council do hereby tender the hospitalities of the city to the members of the Legislature, and that the necessary arrangements be made for that purpose.

JOHN FINLEY, *Mayor*.

W. T. DENNIS, *Clerk, pro tem*.

On motion by Mr. Vandevanter,

*Resolved*, That the committee on county and township business, be instructed to inquire into the expediency of providing by law for the collecting of taxes in the several counties of this State by township collectors, and report by bill or otherwise.

On motion by Mr. Burke,

*Resolved*, That the Judiciary committee be respectfully instructed to inquire into the expediency of providing by law for constituting a council, to be composed of officers of State, without whose advice and consent, the Governor shall not have power to grant pardons in any case except such as may, by law, be left to his sole power, with leave to report by bill or otherwise.

A message from the House by Mr. Levering, their clerk.

MR. PRESIDENT:

I am directed by the House to transmit to the Senate, the following resolution of the House:

*Resolved*, That the Senate be requested through its principal Secretary, to send back to this House bill No. 45 thereof, concerning the appointment by county commissioners of persons to fill vacancies in the office of clerk of circuit and common pleas courts, the same being already provided for in existing laws.

The vote ordering House bill No. 45, contained in the foregoing message, to a second reading was reconsidered,

When,

On motion by Mr. Witherow,  
The resolution of the House was concurred in.

*Ordered*, That the Secretary inform the House thereof.

On motion by Mr. Slater,  
The Senate adjourned.

SATURDAY MORNING, 9 O'CLOCK, {  
January 27, 1855. }

The Senate met.

On motion by Mr. Brown,  
The reading of the journal was dispensed with.

#### REPORTS FROM COMMITTEES.

Mr. Harris, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate, instructing them immediately to report a bill giving the courts of common pleas jurisdiction over felonies, have, in accordance with the instructions, directed me to report the accompanying bill:

No. 77. A bill to give to the courts of common pleas, jurisdiction in all cases of felonies,

Which was read a first time, and passed to a second reading.

Mr. Hosbrook, chairman of the committee on swamp lands, made the following report:

MR. PRESIDENT:

The committee to whom was referred Senate bill No. 23, have had the same under consideration, and have directed me to offer the following amendments, and after their adoption, recommend the passage of the same:

In the eighth line of sec. 3 after the word "river," insert "as near as may be, by taking all of the legal sub-divisions of quarter sections or legal fractions thereof, of which, the greater part lies within said four miles;" also, strike out the word "three" in the fifth line of sec. 6, and insert the word "four."

The report was concurred in, amendments adopted, and the bill,

On motion by Mr. Cravens,

Laid on the table, and 100 copies ordered to be printed.

#### RESOLUTIONS.

On motion by Mr. Spann,

*Resolved*, That when the Senate adjourn, it adjourn to Monday next, 2 o'clock, P. M.

#### ORDERS OF THE DAY.

##### *Senate Bills on Second Reading.*

No. 70. A bill to amend an act entitled "an act in relation to applying certain funds therein named, to the payment of the public debt,

Was read a second time, and

On motion by Mr. Brown,

Was referred to the committee on Finance.

No. 71. A bill declaring the proof of names of parties in certain cases not necessary;

Was read a second time; and,

On motion by Mr. Hendry,

Referred to the committee on the Judiciary.

No. 72. A bill to amend section one of chapter forty-two of the acts of 1853, approved February 14, 1853;

Was read a second time, and

On motion by Mr. Rugg,

Referred to the committee on the Judiciary.

No. 73. A bill to establish a State Law Library and to provide for the custody of the same;

Was read a second time, and

On motion by Mr. Suit,

Referred to the committee on the Judiciary.

No. 74. A bill defining what shall be a sufficient railroad fence ;

Was read a second time ; and,

On motion by Mr. Shook,

Referred to the committee on Corporations.

No. 75. A bill to provide for the punishment of negligence, carelessness and misconduct of the operators and agents of railroad companies, and for the punishment of persons who shall recklessly and wilfully leave open any fence, gate or bars of railroad companies in this State ;

Was read a second time, and

On motion by Mr. Shook,

Referred to the committee on Corporations.

No. 76. A bill to amend section third of an act entitled an act for the regulation of weights and measures, approved June 9, 1852 ;

Was read a second time ; and,

On motion by Mr. Richardson, of Spencer,

Referred to the committee on Agriculture.

#### *Senate Joint Resolutions on Second Reading.*

No. 7. A joint resolution directing our Senators and Representatives in Congress, to vote against any change in the naturalization laws ;

Was read a second time, and

On motion by Mr. Shields,

Referred to the committee on Federal Relations.

#### *House Bills on Second Reading.*

No. 22. A bill to amend the seventh section of an act entitled, "an act defining misdemeanors and prescribing punishment therefor," approved June 14th, 1852 ;

Was read a second time, and

On motion by Mr. Hendry,

Referred to the committee on the Judiciary.

No. 43. A bill to provide for the restoration, and preservation of the records of the Supreme Court ;

Was read a second time, and

On motion by Mr. Hendry,

Referred to the committee on the Judiciary.

No. 46. A bill authorizing boards of trustees of high schools, academies, colleges, or universities to assume a common name, consolidate their property, sue and be sued, contract and be contracted with, and to transact their business under such common name;

Was read a second time, and

On motion by Richardson of St. Joseph,  
Referred to the committee on Corporations.

No. 56. A bill fixing and extending the terms of the Marshall circuit court, and providing for the return of process therein;

Was read a second time, and ordered to a third reading.

### *House Bills on Third Reading.*

No. 19. A bill to amend the first and the fourth sections of an act entitled, "an act authorizing recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals," approved February 16, 1852;

Was read a third time.

Mr. Spann moved to reconsider the vote ordering the bill to a third reading.

Which was agreed to.

When,

On motion by Mr. Spann,

The bill was referred to the committee on Corporations.

Mr. Shook, from the committee on Corporations, made the following report:

Mr. PRESIDENT:

The committee on Corporations to whom was referred Senate bill No. 5, entitled a bill to repeal section five of an act entitled, "an act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this, or in an adjoining State, and to connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads on the routes which they may have heretofore surveyed and located, and to use and occupy the same when completed," approved Feb. 23d, 1853; have had the same under consideration, and have instructed me report it back without amendment, and respectfully recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Richardson of St. Joseph, chairman of the committee on corporations, made the following report:

Mr. PRESIDENT:

The committee on Corporations to whom was referred Senate bill No. 53, "a bill giving certain powers to foreign corporations," have had the same under consideration, and I am directed to report the bill back to the Senate and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

On motion by Mr. Cutshaw,  
The Senate adjourned.

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MONDAY, 2 o'clock, P. M. {  
January 29th, 1855. }

The Senate met, was called to order by the President.

On motion by Mr. Spann,  
A call of the Senate was ordered.

The Secretary proceeded with the call, when the following Senators answered to their names:

Messrs. Alexander, Anthony, Brookshire, Brown, Combs, Cravens, Crouse, Drew, Griggs, Jackson of Tipton, McCleary, Mansfield, Mathes, Meeker, Parker, Richard of St. Joseph, Richardson of Spencer, Robinson, Shields, Spann, and Witherow—21.

There being no quorum present,  
On motion by Mr. Anthony,  
The Senate adjourned.



TUESDAY MORNING, 9 o'clock, }  
January 30th, 1855. }

The Senate met.

The Journals of Saturday and yesterday were read.

Leave being granted,  
On motion by Mr. Anthony,

*Resolved*, That the House of Representatives be respectfully requested to return to the Senate, engrossed bill of the Senate, No. 42; a bill to enable parties to convey lands, tenements and hereditaments, held adversely, and to give validity to contracts heretofore made therefor, and to enable venders to recover possession thereof.

#### PETITIONS, MEMORIALS, REMONSTRANCES.

By Mr. Anthony:

A remonstrance from sundry citizens of Laporte county, on the subject of the formation of a new county;

Which,

On motion by Mr. Anthony,

Was referred to a select committee heretofore appointed on that subject.

By Mr. Burke:

A petition from citizens of the county of Wayne, on the subject of Temperance;

Referred to the committee on Temperance.

By Mr. Freeland:

A petition from citizens of the county of Daviess, on the subject of changing the school law;

Referred to the committee on Education.

#### REPORTS FROM COMMITTEES.

Mr. Cravens, from the committee on Roads, made the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred a resolution of the Senate, instructing the committee to inquire into and report upon the practicability of requiring such railroad companies as are

not organized under the laws of this State, but which have a part of their corporate property within this State, to pay to the treasurers of the counties in which such property may be located, the tax assessed upon the same, having had the same under consideration, direct me to make the following report.

No. 78. A bill to provide for the listing of corporation and public stocks.

Which was read a first time, and passed to a second reading.

Mr. Shook, chairman of the committee on county and township business, made the following report:

MR. PRESIDENT:

The committee on county and township business, to whom was referred the memorial of John Geiger, have had the same under consideration, and directed me to report the following bill:

No. 79. A bill to provide for the purchase and distribution of Geigher's tax tables, for the use of county auditor's offices.

Which was read a first time, and passed to a second reading.

#### RESOLUTIONS.

On motion by Mr. Brown,

*Resolved*, That the committee on the Judiciary be instructed to report a bill amending sec. 1, chap. 70 of the Revised Statutes of '52, in reference to the mileage of sheriffs in taking convicts to the State Prison.

On motion by Mr. Witherow,

*Resolved*, That the committee on the judiciary, be instructed to report a bill legalizing conveyances of real estate heretofore made with a scroll seal, and making a scroll seal hereafter valid in such cases.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Alexander introduced

Senate bill No. 80. A bill to authorize the transfer of stock of the State bank of Indiana, or to her for the use of a branch, by a failing debtor or other person, when the same becomes necessary to prevent loss.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Crouse introduced

Senate bill No. 81. A bill to authorize the appointment of a judge in the common pleas court,  
Which was read a first time and passed to a second reading.

By unanimous consent  
Mr. Brookshire introduced

Senate bill No. 82. A bill to repeal brokers license and to prohibit the establishment of brokers offices in this State,  
Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Alexander introduced

Senate bill No. 83. A bill declaring what a "seal" is, in contemplation of laws requiring deeds of conveyance to be sealed, and declaring the meaning of such laws.  
Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Sage introduced

Senate bill No. 84. "A bill amending section 11 of chapter 31 of the revised statutes of 1852," relative to the making out and furnishing to the several inspectors of election, poll books, tally papers, &c.  
Which was read a first time and passed to a second reading.

Leave being granted,

Mr. McCleary, chairman of the committee on finance, made the following report :

MR. PRESIDENT :

The finance committee to whom was referred Senate bill No. 70, being an act to amend an act entitled "an act in relation to applying certain funds therein named to the payment of the public debt, have had the same under consideration and do recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

## ORDERS OF THE DAY.

*Senate Bills on Second Reading.*

No. 77. A bill to give to the courts of common pleas jurisdiction in all cases of felonies,

Was read a second time and ordered to be engrossed.

*Senate bills on their Third Reading.*

No. 15. A bill to amend the 14th and 23d sections of an act entitled, "An act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers, and auditors, and of the treasurer of State, approved June 21st, 1852.

Was read a third time.

Mr. Meeker moved to re-commit the bill to the committee on finance, with the following instruction:

"That all debts for land shall not be deducted."

Mr. Cravens moved to amend the instructions:

"To exempt from taxation only of such property the indebtedness for which is due to and held by citizens of this State to the effect that either the property or the indebtedness for the same may be assessed for taxation."

Mr. Slater moved to indefinitely postpone the bill and pending instructions,

Which was not agreed to.

Mr. Anthony moved to lay the bill and instructions on the table.

The ayes and noes were demanded by Senators Anthony and Slater.

*Those who voted in the affirmative were,*

Messrs. Anthony, Cutshaw, Drew, Freeland, Glazebrook, Griggs, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, McCleary, Mansfield, Mathes, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shields, Slater, Spann, Vandevanter, Wilson, Witherow and Woods—23.

*Those who voted in the negative were,*

Messrs. Bearss, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Harris, Helm, Hendry, Lightley, McDowell, Meeker, Parker, Reynolds, Robinson, Sage, Shook, Weston, and Williams—21.

So the bill and pending instructions were laid on the table.

No. 27. A bill to authorize the refunding of money, in cases where the State has sold lands as swamp lands by mistake or without authority.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Harris, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Spann, Vandevanter, Weston, Wilson, and Woods—36.

*Those who voted in the negative were,*

Messrs. Bearss, Hostetler, Meeker, Robinson, Shook, Williams, and Witherow—7.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 38. A bill to repeal section 5 of an act entitled "an act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this or in an adjoining State, and to connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads on the routes which they may have heretofore surveyed and located, and to use and occupy the same when completed," approved Feb. 23d, 1852.

Was read a third time; and,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Reynolds, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Weston, Williams, and Wilson—36.

Messrs. Shields, Witherow, and Woods, voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 53. A bill giving certain powers to foreign corporations.  
Was read a third time; and,  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Brown, Burke, Combs, Crane, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Vandevanter, Weston, Williams, Wilson, Witherow, and Woods—44.

No Senator voting in the negative.

So the bill passed.

On motion by Mr. Shields,

The title of the bill was amended to read as follows:

“A bill giving foreign corporations the right to construct bridges over rivers forming the boundary lines of this State.”

*Ordered,* That the Secretary inform the House thereof.

No. 54. A bill to amend the first section of an act approved May 13th, 1852, entitled “an act providing for the appointment of deputies for certain offices, and prescribing their duties and liabilities.”

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Eusey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hosbrook, Hostetler, Jackson of Madison, McCleary, McDowell, Mansfield, Mathes, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Slater, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—39.

*Those who voted in the negative were,*

Messrs. Bearss, Hendry, Meeker, Shields, and Spann—5.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.



No. 65. A bill to protect the drains, levees, dykes, dams, canals, rivers, creeks, and all other sources used for the draining and reclaiming of the swamp lands of this State, which have been established by law.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—43.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Leave being granted,

On motion by Mr. Hawthorn,

*Resolved,* That the doorkeeper of the Senate be authorized to contract for the same amount of postage stamps as heretofore ordered by the Senate.

No. 66. A bill to amend an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers, and duties in civil cases," approved June 9, 1852.

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Bearss, Burke, Cravens, Ensey, Harris, Helm, Hosbrook, Kightey, McCleary, Mansfield, Parker, Richardson of St. Joseph, Shook, Weston, Williams, and Witherow—16.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Brookshire, Brown, Combs, Crane, Crouse, Cutshaw, Drew, Freeland, Glazebrook, Griggs, Hawthorn, Hendry, Hostetler, Jackson of Tipton, Mathes, Meeker, Reynolds, Richardson of Spencer, Robinson, Sage, Shields, Slater, Spann, Vandevanter, Wilson and Woods—28.

So the bill did not pass.

No. 68. A bill to amend the 3d sec. of an act entitled "an act to provide for the erection and repair of bridges," approved May 22, 1852.

Was read a third time,  
And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Sage, Shook, Vandevanter, Weston, Williams, Wilson, Witherow, and Woods—39.

*Those who voted in the negative were,*

Messrs. Alexander, Brookshire, Hostetler, Shields, Slater, and Spann—6.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

*House Bill on Third Reading.*

No. 56. A bill fixing and extending the terms of the Marshall circuit court, and providing for the return of process therein,

Was read a third time, and

On motion by Mr. Anthony,  
Laid on the table.

A message from the House, by Mr. Levering, their clerk:

MR. PRESIDENT:

I am directed by the House, in compliance with a resolution of the Senate, to return to the Senate, Senate bill No. 42, entitled "a bill to enable parties to convey lands, tenements and hereditaments, held adversely, and to give validity to contracts heretofore made therefor, and to enable vendees to obtain possession thereof."

On motion by Mr. Anthony,

The vote adopting the title to the bill contained in the foregoing message, was reconsidered.

On motion by Mr. Anthony,  
The vote on the passage of said bill was reconsidered.  
When,

On motion by Mr. Anthony,  
The bill was referred to the committee on the Judiciary.  
Mr. McCleary introduced

Senate bill No. 85. A bill to enable railroad companies to dissolve;

Which was read a first time, and passed to a second reading.

Mr. Alexander introduced,

Senate bill No. 86. A bill to authorize the business of banking, and to repeal all former acts on that subject.

Mr. Alexander moved to suspend the rules, and read the bill a first time by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Bearss, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Vandevanter, Weston, Williams, Wilson, Witherow, and Woods—46.

No Senator voting in the negative.

So the rules were suspended, and the bill read a first time by its title.

Mr. Alexander moved to further suspend the rules, and read the bill a second time now by its title,

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Bearss, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Vandevanter, Weston, Williams, Wilson, Witherow and Woods.—45.

No Senator voting in the negative.

So the rules were suspended and the bill was read a second time by its title, and

On motion by Mr. Alexander,

Laid on the table and 1000 copies ordered to be printed.

On motion by Mr. Richardson of St. Joseph,

Senate bill No. 51. A bill to prevent injuries, and the destruction of life upon railroads, and by railroad trains, to provide for the appointment, and prescribing the powers and duties of railroad commissioners, and to provide for the licensing of engineers and conductors;

Was taken from the table, and

Referred to the committee on Corporations.

On motion by Mr. Hawthorn,

The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

The hour having arrived, the Senate resolved itself into the committee of the whole on joint resolution of the Senate No. 1. A joint resolution in relation to the collection of taxes.

Senator Meeker in the chair.

And, after spending some time in the consideration thereof, the committee rose and submitted the following report through their chairman:

MR. PRESIDENT:

The committee of the whole Senate, to whom was referred joint resolution of the Senate No. 1. A joint resolution in relation to the collection of taxes, have had the same under consideration, and have directed me to report, that they recommend the indefinite postponement of the joint resolution.

Mr. Cravens offered the following amendment to the joint resolution:

Strike out from the resolving clause, and insert—"That the Treasurer of State be authorized to receive in payment of taxes for the year 1854, and for delinquent taxes of and prior to that year remaining unpaid, in the notes of the stock banks, at a rate to be

governed by the market value of the securities deposited for the redemption of the notes so taken."

Mr. Slater moved to lay the amendment on the table.

The ayes and nays being demanded by Senators Griggs and Williams.

*Those who voted in the affirmative were,*

Messrs. Anthony, Brown, Burke, Crouse, Cutshaw, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Jackson of Madison, Kightley, McCleary, Mansfield, Mathes, Meeker, Richardson of St. Joseph, Shields, Slater, Suit, and Weston—23.

*Those who voted in the negative were,*

Messrs. Alexander, Bearss, Brookshire, Combs, Crane, Cravens, Drew, Ensey, Hosbrook, Hostetler, Jackson of Tipton, McDowell, Parker, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Spann, Vandevanter, Williams, Wilson, Witherow and Woods—24.

So the amendment was not laid on the table.

The question then being on the adoption of the amendment.

The ayes and noes were demanded by Senators Slater and Cravens.

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Brookshire, Combs, Crane, Cravens, Crouse, Drew, Freeland, Griggs, Hawthorn, Helm, Hosbrook, Hostetler, Jackson of Tipton, Kightley, McDowell, Mansfield, Meeker, Parker, Richardson of Spencer, Robinson, Rugg, Sage, Spann, Suit, Weston, Williams, Wilson, Witherow and Woods—31.

*Those who voted in the negative were,*

Messrs. Anthony, Brown, Burke, Cutshaw, Ensey, Glazebrook, Hendry, Jackson of Madison, McCleary, Mathes, Reynolds, Richardson of St. Joseph, Shields, Shook, Slater, and Vandevanter—16.

So the amendment was adopted.

The question then being, shall the joint resolution be engrossed?  
Pending which,

On motion by Mr. Alexander,  
The Senate adjourned.

WEDNESDAY MORNING, 9 o'clock, }  
January 31st, 1855. }

The Senate met.

The Secretary proceeded to the journal of yesterday;  
When,

On motion by Mr. Sage,  
The further reading was dispensed with.

#### REPORTS FROM COMMITTEES.

Mr. Hawthorn, from the committee on Swamp Lands, made the following report:

Mr. PRESIDENT:

The committee on swamp lands, to whom was referred Senate bill No. 47, entitled an act supplemental to and amendatory of an act entitled an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the conditions of said grant, approved May 29th, 1852,

Have directed me to report the same back with the following amendments, and when so amended recommend its passage:

Amend sections 2 and 3, where it reads "fifty cents per acre" insert "seventy-five cents per acre,"

Also strike out from section 7 the latter clause from where it reads "will admit."

The report was concurred in, amendments adopted, and bill ordered to be engrossed.

Mr. Woods, chairman of the committee on temperance, made the following report:

Mr. PRESIDENT:

The committee on Temperance to whom was submitted that portion of the Governor's message which relates to temperance have instructed me to report the following bill:

No. 87. A bill to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance.

Which was read a first time.



Mr. Brown moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Brown, Burke, Combs, Crane, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Suit, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—42.

Mr. Griggs voting in the negative.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Hawthorn,

The bill was laid on the table and one thousand copies ordered to be printed for the use of the Senate.

#### BILLS INTRODUCED.

By unanimous consent,

Mr. Richardson of Spencer introduced

Senate bill No. 88. A bill to amend the second section of an act entitled "an act to incorporate the Ward cotton mill," approved February 15, 1848, and increasing the capital stock thereof.

Which was read a first time, and passed to a second reading.

By unanimous consent

Mr. Crouse introduced

Senate bill No. 89. A bill to regulate the filing of bonds and oaths of guardians.

Which was read a first time and passed to a second reading.

By unanimous consent,

Mr. Bearss introduced,

Senate bill No. 90. A bill to amend the 18th section of an act entitled "An act regulating the granting of divorces, nullification of marriages, and decrees and orders of courts incident thereto," approved May 13th, 1852,

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Slater introduced

Senate bill No. 91. A bill authorizing the Auditor of Dearborn county to make a deed to David Nevitt for certain real estate therein named,

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Crouse introduced

Senate bill No. 92. A bill to authorize the appointment of commissioners to execute deeds in certain cases,

Which was read a first time, and passed to a second reading.

By unanimous consent,  
Mr. Witherow introduced,

Senate bill No. 93. A bill to establish a bank with branches.

Mr. Witherow moved to suspend the rules and read the bill a first time by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Brookshire, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—  
43.

Mr. Anthony voting in the negative—1.

So the rules were suspended and the bill read a first time by its title.

Mr. Witherow moved further to suspend the rules and read the bill a second time now by its title,

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Bearss, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Freeland, Glazebrook, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, McDowell, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson

of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Williams, Wilson, Witherow and Woods—47.

No Senator voting in the negative.

So the rules were suspended and the bill read a second time by its title.

When,

On motion by Mr. Witherow,

The bill was laid on the table and 200 copies of the bill and synopsis ordered to be printed for use of the Senate.

Leave being granted,

On motion by Mr. Slater,

*Resolved*, That two Senators be added to the Select committee appointed to inquire into the conduct of the State Bank.

Whereupon Senators Slater and Burke were appointed on said committee.

Leave being granted,

Mr. Brookshire offered the following resolution:

*Resolved*, That the thanks of the Senators be tendered to the members of the temperance committee of the other end of the Capitol for their liberal offer, but we wish them to understand that our votes are not to be bought with oyster suppers.

Which,

On motion by Mr. Anthony,

Was laid on the table.

On motion by Mr. Slater,

Leave of absence was granted to the committee on elections for this forenoon.

Leave being granted,

On motion by Mr. Anthony,

Senate bill No. 32. A bill repealing section 1st of an act entitled "an act concerning interest on money," approved May 27, 1852, and to authorize the taking of interest at a rate not exceeding ten per centum per annum, where the same is agreed for in writing.

Was taken from the table.

When,

On motion by Mr. Spann,

The bill was referred to the committee on the Judiciary.

On motion by Mr. Cutshaw,

*Resolved*, That the committee on the State Prison have leave of absence to visit the State Prison.

On motion by Mr. Cutshaw,  
Mr. Crane was added to the committee on State Prison.

#### ORDERS OF THE DAY.

#### *Senate Bills on Second Reading.*

No. 78. A bill to provide for the listing of corporation and public stocks.

Was read a second time, and

On motion by Mr. Richardson, of St. Joseph,  
Was referred to the committee on Finance.

No. 79. A bill to provide for the purchase and distribution of Geiger's Tax Tables, for the use of county Auditor's offices.

Was read a second time,

Mr. Spann moved to amend by filling the first blank in first section, with the number 100.

Which was agreed to.

Mr. Shook moved to fill the second blank in the first section, with "1st of April."

Which was agreed to, and the bill ordered to be engrossed.

No. 80. A bill to authorize the transfer of stocks to the State Bank of Indiana, or to her for the use of a branch by a failing debtor or other person, when the same becomes necessary to prevent loss,

Was read a second time, and

On motion by Mr. Crane,  
Referred to the committee on banks.

No. 81. A bill to authorize the appointment a judge pro tempore, in the common pleas courts,

Was read a second time, and

On motion by Mr. Crouse,  
Referred to the committee on the organization of courts.

Leave being granted,

On motion by Mr. Shields,

*Resolved*, That when the Senate adjourn, it adjourn till to-morrow morning, 9 o'clock.

Leave being granted,  
On motion by Mr. Hawthorn,

*Resolved*, That the doorkeeper of the Senate be required to call upon the post-master of this city, and in a polite, respectful and careful manner, inquire if the papers and documents, sent from this House, are promptly sent to their proper place of destination.

Leave being granted,  
On motion by Mr. Cravens,

*Resolved*, That a committee of two on the part of the Senate, to act with a similar committee on the part of the House, be appointed to superintend the destruction of the notes of the stock banks, which have been returned cancelled, and are now lying in the office of the Auditor of State.

Senators Cravens and Drew were appointed said committee on the part of the Senate.

*Ordered*, That the Secretary inform the House thereof.

No. 82. A bill to repeal brokers license, and prohibit the establishment of broker's offices in this State,  
Was read a second time, and  
On motion by Mr. Hendry,  
Referred to the committee on Finance.

No. 83. A bill declaring what a "seal" is, in contemplation of laws requiring deeds of conveyance to be sealed, and declaring the meaning of such laws,  
Was read a second time, and  
On motion by Mr. Hendry,  
Referred to the committee on the judiciary.

No. 84. A bill amending sec. 11 of chap. 31 of the Revised Statutes of 1852, relative to the making out and furnishing to the several inspectors of elections, poll books, tally papers, &c.  
Was read a second time, and  
On motion by Mr. Slater,  
Referred to the committee on elections.

No. 85. A bill to enable railroad companies to dissolve,  
Was read a second time, and  
On motion by Mr. Brown,  
Referred to the committee on corporations.

### *Senate Bills on Third Reading.*

No. 70. A bill to amend an act entitled "an act in relation to S. J. 14.

applying certain funds, therein named, to the payment of the public debt," approved June 18th, 1852.

Was read a third time, and

On motion by Mr. Spann,  
Laid on the table.

No. 77. A bill to give the courts of common pleas, jurisdiction in all cases of felonies.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Brookshire, Burke, Combs, Cravens, Crouse, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Mathes, Parker, Rugg, Shields, Shook, Slater, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—26.

*Those who voted in the negative were,*

Messrs. Alexander, Bearss, Brown, Crane, Cutshaw, Drew, Glazebrook, Hostetler, Mansfield, Meeker, Richardson of Spencer, Robinson, Sage Spann and Tarkington—15.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

A message from the House, by Mr. Levering their clerk:

**MR. PRESIDENT:**

I am directed by the House to inform the Senate that the House has passed the following engrossed bills thereof:

House bill No. 23. An act to amend sections 1st, 2nd, and 7th, of an act entitled "an act to establish and regulate ferries," approved June 17th, 1852; so as to extend to any person, persons, or corporations, who may own or hold by lease, land on any creek or river, the right to have a public ferry, and to prevent a ferry lying in two counties from being assessed with a double tax.

Also,

House bill No. 40. A bill providing that no justice shall hear or determine any state prosecution for assault and battery or assault, unless the injured party be present, or being summoned, refuses to attend, or when the summons for him is returned "not found." And that no trial shall be had in cases of affray unless a witness thereof be present and testify upon such trial, or being summoned, refuses to attend.

Also,



House bill No. 48. A bill concerning the organization of voluntary associations, and repealing former laws in reference thereto.

Also,

House bill No. 55. To authorize county Auditors to convene county boards in cases of emergency.

Also,

House Bill No. 57, entitled an act supplemental to an act regarding estrays and articles adrift.

Also,

House bill No. 71, entitled a bill to provide for the service of summons of a witness by copy.

To all of which the concurrence of the Senate is respectfully requested.

House bills Nos. 23, 40, 48, 55, 57 and 71 contained in the foregoing message were each read a first time and passed to a second reading.

A message from the House by Mr. Levering, their clerk:

MR. PRESIDENT:

I am also directed to inform the Senate that the House have passed the engrossed bill of the Senate No. 7, entitled a bill supplemental to an act providing for the election and qualification of justices of the peace and defining their jurisdiction, powers and duties in civil cases," with the following engrossed amendment to the title thereof:

Add the following to the title—"And prescribing the manner of filling vacancies:" to which amendment, the concurrence of the Senate is respectfully requested.

On motion by Mr. Hendry,  
The amendment was concurred in.

*Ordered*, That the Secretary inform the House thereof.

Mr. Hendry, from the committee on the Judiciary, made the following report:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred Senate bill No. 59, an act to amend an act entitled, an act to revise and simplify the rules, practice, pleadings, &c., have had the same under consideration, and have directed me to report that legislation on that subject is inexpedient, and recommend its indefinite postponement.

Which was concurred in.

Mr. Witherow, from the committee on the Judiciary, made the following report:

**MR. PRESIDENT :**

The committee on the Judiciary to whom was referred a resolution of the Senate, "to inquire into the necessity of amending the 91st section of an act entitled, an act to provide for the valuation and appraisement of the real estate and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," have had the same under consideration, and have directed me to report it back, and recommend it reference to the committee on Finance.

Which was concurred in, and the bill referred to the committee on Finance.

Mr. McCleary, from the committee on the Judiciary, made the following report:

**MR. PRESIDENT :**

The committee on the Judiciary to whom was referred House bill No. 29, "an act to amend an act entitled an act to revise, simplify and abridge the rules, practice, pleading and forms in civil cases in the courts in this State," have had the same under consideration, and have directed me to report it back without amendments, and respectfully to recommend its passage.

The report was concurred in, and the bill ordered to a third reading.

Mr. Kightley, from the Judiciary committee, made the following report:

**MR. PRESIDENT :**

The committee on the Judiciary to whom was referred House bill No. 11, an act to amend the three hundred and third section of an act, to revise, simplify and abridge rules, &c., have had the same under consideration, and have directed me to report it back without amendment and recommend its passage.

The report was concurred in, and the bill ordered to a third reading.

Mr. Brown, from the committee on the Judiciary, made the following report:

**MR. PRESIDENT :**

The committee on the Judiciary to whom was referred a resolution of the Senate, "to inquire into the expediency of reporting a bill

making convicts to the State Prison, work after having served their term of punishment, to pay the costs of prosecution and court fees," have had the same under consideration, and have directed me to report it inexpedient to legislate on that subject, and ask to be discharged from the further consideration of said resolution.

Which was concurred in.

On motion by Mr. Mathes,  
Senator Glazebrook was added to the committee on State Prison,  
to supply the place of McDowell who declines.

On motion by Mr. Cutshaw,  
Mr. Richardson of Spencer was added to said committee.

On motion by Mr. Brown,  
The Senate adjourned.

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THURSDAY MORNING, 9 o'clock, }  
February 1st, 1855. }

The Senate met.

The Secretary proceeded to read the journal,  
When,

On motion by Mr. Hosbrook,  
The further reading was dispensed with.

#### PETITIONS, MEMORIALS, REMONSTRANCES, &c.

By Mr. Burke:

A petition from the property holders of Richmond, on the subject of insurance companies.

Referred to the committee on Corporations.

#### REPORTS FROM COMMITTEES.

Mr. Anthony, chairman of the committee on the Judiciary, made the following report:

Mr. PRESIDENT:

The committee on the judiciary to whom was referred a resolu-

tion of the Senate "to enquire into the expediency of providing by law for constituting a council to be composed of officers of State, without whose advice and consent, the Governor shall not have power to grant pardons in any case, except such as may be by law left to his sole power," have had the same under consideration, and have directed me to report that any legislation on that subject is inexpedient.

The report was concurred in.

Mr. Anthony, chairman of the committee on the judiciary, made the following report :

MR. PRESIDENT:

The committee on the judiciary to whom was referred House bill No. 43, "a bill to provide for the restoration and preservation of the records of the supreme court," have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage.

The report was concurred in and the bill ordered to a third reading.

Mr. Brown, from the committee on the judiciary, made the following report :

MR. PRESIDENT:

The committee on the judiciary to whom was referred Senate bill No. 83, "a bill declaring what a "seal" is, in contemplation of laws requiring deeds of conveyance to be sealed, and declaring the meaning of such law," have had the same under consideration, and have directed me to report it back without amendment and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Vandevanter, from the committee on the Judiciary, made the following report :

MR. PRESIDENT:

The committee on the Judiciary to whom was referred No. 3, a joint resolution of the Senate entitled "a joint resolution memorializing Congress on the subject of the township school fund," which seeks to obtain an enactment by the Congress of the United States, enabling the State of Indiana to consolidate the fund commonly known as the congressional township fund into a common school fund for the support of schools, at large, throughout the State, have had the same under consideration, and are of opinion that the fund arising from the sale of the 16th section in each congressional

towaship, granted to the inhabitants thereof by act of Congress of April 19th, 1816, for the use of schools, has become so vested in the inhabitants of the several townships where the lands were situate, that the grantor cannot now divert the fund from the original design or change the conditions of the grant; and that those conditions having been fully complied with, it may well be regarded in the light of an executed contract, between the grantor and the grantees, not subject to any modifications without the concurrence of both parties. If this view of the case be correct, then these conclusions must inevitably follow, viz: 1st, that Congress cannot, *directly*, divert the fund from its original design, and 2ndly, that Congress cannot authorize the *State* to do that which she is impotent to accomplish herself.

Your committee, therefore, being of opinion that in either case Congress has no power, under the constitution of the United States, to afford the relief sought by the joint resolution, have instructed me to report the same back and recommend its indefinite postponement.

The report was concurred in, and the joint resolution indefinitely postponed.

Mr. Kightley, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred House bill No. 22, "an act to amend the 76th section of an act entitled an act defining misdemeanors and prescribing punishment therefor," have had the same under consideration and have directed me to report it back without amendment and recommend its passage.

The report was concurred in and the bill ordered to a third reading.

Mr. Suit, from the committee on the Judiciary, made the following report :

MR. PRESIDENT :

The committee on the Judiciary to whom was referred House bill No. 7, "a bill to abolish the seventh judicial circuit of the State of Indiana," have had the same under consideration, and have directed me to report it back, and recommend its reference to the committee on the organization of courts.

Which was concurred in, and the bill referred to the committee on the organization of courts.

Mr. Suit, from the committee on the judiciary, made the following report :



MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate bill No. 73, "an act to establish a State Law Library, and to provide for the custody of the same," have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Anthony, chairman of the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate bill No. 63, "a bill to amend the 540th sec. of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms, in civil cases in the courts of this State," have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Hendry, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The judiciary committee, to whom was referred Senate bill No. 37, "a bill to provide for closing up the business of the circuit courts in the several counties in this State," have had the same under consideration, and directed me to report the same back, and recommend that it be laid on the table, another bill having passed the Senate, containing substantially, the same provisions.

The report was concurred in, and the bill laid on the table.

Mr. Rugg, chairman of the committee on the organization of courts, made the following report :

MR. PRESIDENT :

The committee on the organization of courts, to whom was referred Senate bill No. 81, "to provide for the appointment of judges *pro tempore* of the court of common pleas," and the resolution of the Senate on the same subject, direct me to report the same back, amended by striking out all after the enacting clause and substituting the following, and upon the adoption of the amendment, to recommend its passage.

That if from any cause the judge of any court of common pleas in this State, shall fail to attend at any term thereof, until twelve o'clock A. M. on the second day of such term, such judge may, for



the time being appoint a judge; and if such judge shall fail to attend or make such appointment by the time aforesaid, the clerk, sheriff, and Auditor of the proper county may make such appointment by appointing a judge of any court of record or attorney thereof resident in this State, and such appointment shall be in writing and duly entered on the order book of said court, and shall authorize such person thus appointed to conduct the business of such court under the same regulations as are provided by law, and he shall have the same authority as the judge elect.

SEC. 2. The person serving as such judge shall be entitled to three dollars per day, to be paid out of the county treasury upon the warrant of the auditor, to be drawn upon the filing in his office the certificate of the clerk of the proper court, stating the amount due to such appointee, which amount shall be deducted from the next quarterly payment of the judge elect, in the county where the failure to attend occurred.

SEC. 3. There is an emergency existing which requires the immediate taking effect of this enactment, this act is therefore to take effect and be in force from and after its passage, and publication in the Indiana State Sentinel and Indiana State Journal.

The report was concurred in, amendments adopted, and the bill ordered to be engrossed.

Mr. Shook, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations to whom was referred House bill No. 19, a bill to amend the 1st and 4th sections of an act entitled "an act authorizing recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals," approved Feb. 16, 1852, have had the same under consideration and directed me to report the same back and recommend its reference to the committee on county and township business.

The report was concurred in and the bill referred to the committee on county and township business.

Mr. Richardson of St. Joseph, chairman of the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate bill No. 75, "a bill to provide for the punishment of negligence, carelessness and misconduct of the operatives and agents of railroad companies, and for the punishment of persons who shall willfully and recklessly leave open any fence, gate or bars, of railroad companies in this State," have had the same under consideration,

and directed me to report it back, and recommend that it be referred to the committee on the judiciary.

The report was concurred in, and the bill referred to the committee on the judiciary.

Mr. Richardson of St. Joseph, chairman of the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred House bill No. 46, "a bill authorizing boards of trustees of high schools, academies, colleges or universities, to assume a common name, consolidate their property, sue and be sued, contract and be contracted with, and to transact their business under such common name," have had the same under consideration, and directed me to report it back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to a third reading.

Mr. Crouse, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate bill No. 74, "a bill defining what shall be a sufficient railroad fence," have had the same under consideration, and directed me to report it back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

#### ORDERS OF THE DAY.

#### *Senate Bills on Second Reading.*

No. 88. A bill to amend the second sec. of an act entitled "an act to incorporate the Ward Cotton Mill," approved February 15th, 1848, and increasing the capital stock thereof,

Was read a second time, and

On motion by Mr. Richardson, of Spencer,  
Referred to the committee on Corporations.

No. 89. A bill to regulate the filing of bonds, and oaths of guardians,

Was read a second time.

On motion by Mr. Anthony,  
Referred to the committee on the Judiciary.

No. 90. A bill to amend the 18th sec. of an act entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of courts incident thereto," approved May 13, 1852,

Was read a second time, and

On motion by Mr. Anthony,

Referred to the committee on the Judiciary.

No. 91. A bill authorizing the auditor of Dearborn county to make a deed to David Nevite, to certain real estate therein named,

Was read a second time, and

On motion by Mr. Slater,

Referred to the committee on the Judiciary.

No. 92. A bill to authorize the appointment of commissioners to execute deeds in certain cases,

Was read a second time; and,

On motion by Mr. Anthony,

Referred to the committee on the Judiciary.

A message from the House by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House have reciprocated the following resolution of the Senate, to-wit :

*Resolved*, That a committee of two on the part of the Senate, be appointed to act with a similar committee on the part of the House of Representatives, to superintend the destruction of the notes of the stock banks which have been returned and cancelled, and are now lying in the office of Auditor of State, and that Messrs. Cravens and Drew were appointed said committee on the part of the Senate, and that Messrs. Meredith and Dunn were appointed said committee on the part of the House of Representatives.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am instructed by the House to inform the Senate that the House has passed the following engrossed bills of the Senate :

Also, Senate bill No. 44, entitled "a bill authorizing county auditors to call a special term of the board of county commissioners whenever the interests of the county may require it," with the accompanying amendments thereto, in which the concurrence of the Senate is respectfully requested.

Senate bill No. 4, an act supplemental to an act entitled "an act to regulate the sale of swamp lands donated by the United States

to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the conditions of said grant," approved May 29th, 1852, with the accompanying engrossed amendment, in which the concurrence of the Senate is respectfully requested.

On motion by Mr. Hendry,

The engrossed amendments of the House to Senate bills Nos. 4 and 41, contained in the foregoing message, were concurred in.

*Ordered*, That the Secretary inform the House thereof.

*House Bills on Second Reading.*

No. 23. A bill to amend section 1, 2 and 7 of an act entitled "an act to establish and regulate ferries," approved June 17, 1852, so as to extend to any person, persons, or corporation who may own or hold by lease any land on any creek or river, the right to have a public ferry lying in two counties from being assessed with a double tax.

Was read a second time, and

On motion by Mr. Hendry,

Referred to the committee on Corporations.

No. 40. A bill providing that no Justice shall hear or determine any State prosecution for an assault and battery, or assault, unless the injured party be present, or when the summons for him is returned not found, and that no trial shall be had in cases of affray unless a witness thereof be present and testify upon such trial, or being summoned refuse to attend,

Was read a second time, and

On motion by Mr. Anthony,

Referred to the committee on the Judiciary.

No. 48. A bill concerning the organization of voluntary associations, and repealing former laws in reference thereto,

Was read a second time, and

On motion by Mr. Robinson,

Referred to the committee on Corporations.

No. 55. A bill to authorize county auditors to convene county boards in cases of emergency,

Was read a second time, and

On motion by Mr. Anthony,

Laid on the table.

No. 57. A bill supplemental to an act regarding estrays and articles adrift,

Was read a second time, and

On motion by Mr. Anthony,

Referred to the committee on the Judiciary.

No. 71. A bill to provide for the service of summonses of a witness by copy,

Was read a second time; and,

On motion by Mr. Anthony,

Referred to the committee on the Judiciary.

*Senate Bills on Third Reading.*

No. 47. A bill amendatory of, and supplemental to an act, entitled "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the conditions of said grant," approved May 29th, 1852,

Was read a third time, and

On motion by Mr. Hendry,

And by unanimous consent of the Senate, the bill was amended by adding the following section :

SEC. —. That any person who shall at such sales bid for any land any price, and refuse to pay therefor, he shall be liable to pay the amount of said bid, with fifty per cent. in addition for damages, in a suit in favor of the State of Indiana against said person; and the person who at said sale made the bid next highest to the one made by the person to whom the land was struck off, shall have the right within thirty days to enter said land at the price at which he bid for said land, and the auditor shall notify said person that the last bidder refused to take such land.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Brown, Burke, Combs, Cutshaw, Drew, Ensey, Freeland, Hawthorn, Helm, Hosbrook, Jackson of Madison, Jackson of Tipton, Mansfield, Parker, Rugg, Shields, Spann and Weston—  
19.

*Those who voted in the negative were,*

Messrs. Alexander, Bearss, Brookshire, Cravens, Crouse, Glazebrook, Griggs, Harris, Hendry, Hostetler, Kightley, McCleary, Meek-



er, Richardson of St. Joseph, Richardson of Spencer, Sage, Shook, Slater, Suit, Tarkington, Vandevanter, Williams, Wilson and Witherow—24.

So the bill did not pass.

No. 79. A bill to provide for the purchase and distribution of Geigers' Tax Tables for the use of county auditors offices,

Was read a third time.

Mr. Slater moved to lay the bill on the table,

Which was not agreed to.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Burke, Combs, Cravens, Ensey, Harris, Hosbrook, Parker, Rugg, Shook, Spann, Weston and Witherow—13.

*Those who voted in the negative were,*

Messrs. Alexander, Bearss, Brookshire, Crouse, Cutshaw, Drew, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Meeker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Sage, Shields, Slater, Suit, Vandevanter, Williams and Wilson—28.

So the bill did not pass.

### *House Bills on Third Reading.*

No. 11. A bill to amend the 303rd section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Bearss, Burke, Combs, Cravens, Crouse, Drew, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Meeker, Parker, Richardson of St.



Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Suit, Vandevanter, Williams, Wilson, and Witherow—34.

Mr. Shields voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 29. A bill to amend an act entitled, "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State.

Was read a third time; and,  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Bearss, Burke, Combs, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Slater, Spann, Suit, Vandevanter, Williams, Wilson and Witherow—37.

No Senator voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

The President laid before the Senate the following communication from the Doorkeeper:

Hon. A. P. WILLARD,

*President of the Senate:*

SIR:—You will please lay before the Honorable body over which you preside the following communication.

Respectfully,

CHARLES G. WARNER,

*Doorkeeper of the Senate.*

February 1, 1855.

Your Doorkeeper in compliance with the resolution of the Senate, adopted on yesterday, requiring him "to call on the Postmaster of this city, and in a polite, respectful and careful manner, inquire if the papers and documents sent from this House, are promptly sent to their proper place of destination;"

Would submit the following reply of W. W. Wick, Postmaster:  
 "They [the papers and documents,] are always sent, and as promptly as the force of the office will permit. I am prohibited increasing my force by the Postmaster General. The Legislative documents are much above a reasonable task for my force. Hence a day or two delay sometimes."

CHAS. G. WARNER,  
*Doorkeeper.*

February 1, 1855.

On motion by Mr. Cravens,

*Resolved*, That when the Senate adjourn, it adjourn until to-morrow morning at 9 o'clock, A. M.

Mr. Freeland presented the memorial of Willis W. Hitt, M. D., and Hubbard M. Smith, M. D., acting as a committee on behalf the members of the Vincennes Medical Society, relative to the charter of said society.

Which,

On motion by Mr. Freeland,

Was referred to a select committee of three.

Messrs. Freeland, Harris and Hawthorn were appointed said committee.

On motion by Mr. Richardson, of St. Joseph,  
 The Senate adjourned.

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FRIDAY MORNING, 9 o'clock, }  
 February 2nd, 1855. }

The Senate met.

The Secretary proceeded to read the journal;

When,

On motion by Mr. Cravens,

The further reading thereof was dispensed with.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Slater:

A petition from citizens of Lawrenceburgh, Dearborn county, on the subject of insurance companies.

Referred to the committee on Corporations.

## REPORTS FROM COMMITTEES.

Mr. Shields, chairman of the committee on Elections, made the following report :

MR. PRESIDENT:

The committee on elections to whom was referred the case of the contested election between George W. Chapman and George McDowell, in which said Chapman contests the seat of said McDowell in the Senate of the present General Assembly of Indiana, have instructed me to report as follows, to-wit:

That they examined the certificate of said McDowell as Senator, and found it to be in accordance with the provisions of the law. That when the committee first met, there was before them no evidence on which an opinion could be based, except this certificate, and thereupon the parties themselves requested that time might be allowed to send for papers and persons. That time was granted and the case was fully heard on both sides. It appears upon examination of witnesses, and tally papers, poll books, and returns of the respective precincts, that in Wells county said McDowell received 671 votes, and said Chapman 594 votes, as returned by the proper officers. It further appeared, that from some cause unknown to the committee, no return was made from Polk township in said county of the votes there cast, and that at said township said Chapman received 83 votes, and said McDowell 31 votes. It also appeared that in the county of Huntington, said McDowell received 787 votes, and said Chapman received 844 votes. A majority of the committee considered that the election in Polk township was legally held, and the proceedings were according to law, and that the votes cast at said township should not be rejected on account of the failure to make a legal return.

The votes of said township being admitted, it was found that said Chapman had received a majority of all the votes cast, of 42 votes. In the opinion of the committee, there were a number of illegal votes cast in Huntington county, but not a sufficient number to change the result, whichever party they may have been cast for.

In view of these facts, the majority of the committee recommend that the seat of said George McDowell be vacated, and that said George W. Chapman be admitted to the same, as Senator from the counties of Huntington and Wells.

On motion by Mr. Slater,  
The report was laid on the table.

Mr. Slater, from the committee on elections, made the following report:

MR. PRESIDENT:

The committee on elections to whom was referred Senate bill No. 84 entitled "an act amending Sec. 11, of Chapt. 31, of the Revised Statutes of 1852, relative to the making out and furnishing to the several inspectors of elections, poll books, tally papers, &c." have had the same under consideration, and have instructed me to report back the same and recommend its passage, also to amend the title by adding thereto the following, to-wit: "And providing compensation for said services."

The report was concurred in, amendments adopted, and bill ordered to be engrossed.

Mr. Richardson of Joseph, chairman of the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate bill No. 12, "a bill to authorize two or more boards of trustees of high schools, academies, colleges or universities, to assume a common name, consolidate their property, sue and be sued, contract and be contracted with, and to transact their business under such common name," have had the same under consideration. As a house bill, identical in effect and language with this, has been reported to and passed by the Senate, I am directed to return the bill to the Senate, and to ask that it be laid on the table.

The report was concurred in, and the bill laid on the table.

#### RESOLUTIONS.

On motion by Mr. Anthony,

*Resolved*, That the Secretary of the Senate be authorized to procure one hundred and fifty printed copies of the Opinion of the Supreme Court, delivered on the petition for a re-hearing in the school tax case.

On motion by Mr. Richardson of Spencer,

*Resolved*, That the House of Representatives be respectfully requested to return to the Senate, House bill No. 11, "a bill to amend an act to revise, simplify, abridge, &c., pleadings and forms in civil cases in the courts of this State, &c.," in order that the title to such bill may be amended to conform to the requirements of the constitution.

*Ordered*, that the secretary inform the House thereof.

Leave being granted,  
By unanimous consent,  
Mr. Hendry introduced

No. 94. A bill to repeal the 1st, 2d and 3d sections of an act providing for the appointment of Notaries Public, and defining their powers and duties, approved June 9, 1852, and to provide for the appointment of Notaries Public, and prescribe their qualifications. Which was read a first time and passed to a second reading.

Leave being granted,  
By unanimous consent,  
Mr. Anthony introduced,

No. 95. A bill to fix the time of holding the court of common pleas in the counties of Laporte, Porter and Lake. Which was read a first time and passed to a second reading.

Leave being granted,  
By unanimous consent,  
Mr. Brown introduced

Senate bill No. 96. A bill requiring railroads to be fenced, and providing for compensation for stock killed or injured on such roads, and to repeal all laws in conflict and coming within the perview of this act.

Was read a first time, and passed to a second reading.

#### ORDERS OF THE DAY.

Leave being granted,

Mr. Hawthorn, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 45, entitled, "a bill fixing the time of holding the several circuit courts in the third judicial circuit, prescribing the length of the terms thereof, and repealing all laws in conflict with the same," have directed me to report the same back, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Leave being granted,  
Mr. Anthony moved to suspend the rules, and read

Senate bill No. 95. A bill to fix the time of holding the courts of common pleas in the counties of Laporte, Porter and Lake,  
 A second time by its title,  
 The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Brown, Burke, Combs, Cravens, Crouse, Ensey, Freeland, Glazebrook, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Meeker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Shook, Slater, Tarkington, Vandevanter, Williams, Wil-on and Witherow—35.

No Senator voting in the negative.

So the bill was read a second time by its title.

Mr. Anthony moved to further suspend the rules t'at the bill be considered engrossed and read a third time now,

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Brown, Burke, Combs, Cravens, Crouse, Ensey, Freeland, Glazebrook, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Mansfield, Meeker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Suit, Tarkington, Vandevanter, Williams, Wilson and Witherow—34.

No Senator voting in the negative.

So the rules were suspended and the bill considered as engrossed and read a third time,

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Brown, Burke, Combs, Cravens, Crouse, Ensey, Freeland, Glazebrook, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Mansfield, Meeker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Suit, Tarkington, Vandevanter, Williams, Wilson, and Witherow—34.

No Senator voting in the negative.

So the bill passed.



*Ordered*, That the Secretary inform the House thereof.

Leave being granted,

Mr. Richardson of Spencer, from the committee on Finance, made the following report:

MR. PRESIDENT :

The committee on finance, to whom was referred Senate bill No. 82, have had the same under consideration, and have instructed me to report the same back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Leave being granted,

Mr. Richardson of Spencer, from the committee on finance, made the following report :

MR. PRESIDENT :

The Finance committee, to whom was referred Senate bill No. 78, entitled "an act to provide for the listing of corporation and public stocks," have had the same under consideration, and have instructed me to report the same back to the Senate, and to recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Leave being granted.

Mr. Richardson of St. Joseph, chairman of the committee on corporations, made the following report :

MR. PRESIDENT :

The committee on corporations, to whom was referred Senate bill No. 88, a bill to amend the second sec. of an act entitled "an act to incorporate the Ward Cotton Mill," approved February 15, 1848, and increasing the capital stock thereof, have had the same under consideration, and I am directed to report it back without amendment, and to recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

### *Senate Bills on Third Reading.*

No 63. A bill to amend the five hundred and fortieth section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleading and forms in civil cases in the courts in this State, to abolish distinct forms of actions at law, and to provide for the

administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June, 1852.

Was read a third time; and,  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Brown, Burke, Combs, Cravens, Crouse, Ensey, Freeland, Glazebrook, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Meeker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Suit, Tarkington, Vandevanter, Williams, Wilson and Witherow—36.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 73. A bill to establish a State Law Library and to provide for the custody of the same;

Was read a third time.  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brown, Burke, Cravens, Freeland, Kightley, Richardson of St. Joseph, Robinson, Rugg, Suit, Tarkington, Wilson and Witherow—14.

*Those who voted in the negative were,*

Messrs. Brookshire, Combs, Crouse, Ensey, Glazebrook, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, McCleary, Mansfield, Meeker, Richardson of Spencer, Sage, Shields, Shook and Slater—21.

So the bill did not pass.

Leave being granted,

Mr. Suit presented the petition of 26 property holders of Carroll county, asking a similar law to the Ohio law, prohibiting all insurance companies not incorporated by the Legislature of Indiana, from doing business in this State.

Which was referred to the committee on Corporations.

No. 74. A bill defining what shall be a sufficient railroad fence ;

Was read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brown, Cravens, Crouse, Ensey, Harris, Helm, Hendry, McCleary, Richardson of St. Joseph, Richardson of Spencer, Shook, Slater, Suit, Vandevanter, Williams, and Wilson—18.

*Those who voted in the negative were,*

Messrs. Burke, Combs, Freeland, Glazebrook, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Meeker, Robinson, Rugg, Sage, Shields, Tarkington and Witherow—19.

So the bill did not pass.

No. 81. A bill to authorize the appointment of a judge *pro tempore* in the common pleas court.

Was read a third time; and,

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Brown, Burke, Combs, Cravens, Crouse, Ensey, Freeland, Glazebrook, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, McCleary, Mansfield, Meeker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Suit, Tarkington, Vandevanter, Williams, Wilson, and Witherow—35.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 83. A bill declaring what a "seal" is, in contemplation of laws requiring deeds of conveyance to be sealed, and declaring the meaning of such laws.

Was read a third time,

And the question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Brown, Burke, Combs,

Cravens, Crouse, Ensey, Glazebrook, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Meeker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Suit, Tarkington, Vandevanter, Williams, Wilson, and Witherow—35.

No Senator voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

*House Bill on Third Reading.*

No. 22. A bill to amend the seventy-sixth section of an act entitled, "an act defining misdemeanors and prescribing punishment therefor," approved June 14th, 1852.

Was read a third time; and,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Brown, Burke, Combs, Cravens, Crouse, Harris, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Madison, Kightley, Meeker, Robinson, Sage, Shields, Shook, Suit, Wilson, and Witherow—23.

*Those who voted in the negative were,*

Messrs. Ensey, Freeland, Glazebrook, Hostetler, Mansfield, Richardson of St. Joseph, Richardson of Spencer, Slater, Tarkington, Vandevanter, and Williams—11.

So the bill did not pass, for want of a constitutional majority.

On motion by Mr. Shields,

The vote on the passage of

Senate bill No. 73. A bill to provide for the establishment of a State law library, and to provide for the custody of the same.

Was reconsidered.

On motion by Mr. Shields,

The bill was laid on the table.

No. 43. A bill to provide for the restoration and preservation of records of the Supreme Court.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Brown, Burke, Combs, Cravens, Crouse, Ensey, Freeland, Glazebrook, Harris, Hawthorn, Helm, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Mansfield, Meeker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Suit, Tarkington, Vandevanter, Williams, Wilson, and Witherow—33.

Messrs. Hendry and Kightley, voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 46. A bill authorizing boards of trustees of high schools, academies, colleges, or universities to assume a common name, consolidate their property, sue and be sued, contract and be contracted with, and to transact their business under such common name;

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Brown, Burke, Combs, Cravens, Crouse, Ensey, Freeland, Glazebrook, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Kightley, Mansfield, Meeker, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Suit, Tarkington, Vandevanter, Williams, Wilson and Witherow—34.

No Senator voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Mr. Tarkington offered the following resolution:

*Resolved*, That when the Senate adjourn, it adjourn until 9 o'clock to-morrow morning.

Which was not agreed to.

On motion by Mr. Freeland,

Senators Meeker, Crouse and Sage, were added to the "Vincennes Medical Association" committee.

On motion by Mr. Tarkington,

*Resolved*, That when the Senate adjourn, it adjourn to meet tomorrow morning 9 o'clock.

On motion by Mr. Glazebrook,  
The Senate adjourned.

SATURDAY MORNING, 9 o'clock, }  
February 3rd, 1855. }

The Senate met.

On motion by Mr. Cravens,  
The reading of the journal was dispensed with.

#### REPORTS FROM COMMITTEES.

Mr. Brown, from the committee on the judiciary, made the following report:

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate bill No. 50, "an act to provide for the election of U. S. Senator;" have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Brown, from the committee on the judiciary, made the following report:

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate bill No. 72, an act to amend section 1 of chapter 42 of the acts of 1853, have had the same under consideration, and have directed me to report that any legislation on the subject is inexpedient, and recommend that it be indefinitely postponed.

The report was concurred in, and the bill indefinitely postponed.



Mr. Brown, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred a resolution of the Senate, "to enquire into the expediency of so amending section 19 of an act prescribing the powers and duties of justices of the peace in state prosecutions, so as to provide for commitment for fine and costs," have had the same under consideration, and have directed me to report that it is inexpedient to legislate on the subject.

The report was concurred in.

Mr. Anthony, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate, "to enquire into the expediency of so amending the law relating to the evidence of parties, as to permit parties to swear to their book accounts;" have had the same under consideration, and have directed me to report that legislation on that subject is inexpedient.

The report was concurred in.

Mr. Witherow, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred Senate bill No. 92, "to authorize the appointment of commissioners to execute deeds in certain cases," have had the same under consideration, and have instructed me to report the same back with one amendment, and when so amended recommend its passage.

Amend the title so as to read as follows—"an act to authorize the appointment of commissioners to execute deeds to purchasers under sales by executors, administrators and guardians."

The report was concurred in, amendment adopted, and the bill ordered to be engrossed.

Mr. Witherow, from the committee on the Judiciary, made the following report:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred Senate bill No. 89, "a bill to regulate the filing of bonds and oaths of guar-

dians," have had the same under consideration, and have instructed me to report the same back with one amendment, and when so amended recommend its passage.

Amend by adding to the title—"and to repeal section 4th of an act touching the relation of guardian and ward, approved June 9, 1852."

The report was concurred in, amendment adopted, and the bill ordered to be engrossed.

Mr. Hendry, from the committee on the Judiciary, made the following report:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred House bill No. 71, "a bill to provide for the service of summons of a witness by copy," have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage.

The report was concurred in, and bill ordered to a third reading.

Mr. Slater, chairman of the committee on Federal Relations, made the following report:

MR. PRESIDENT:

The committee on Federal relations to whom was referred joint resolution of the Senate No. 2, "a joint resolution asking an appropriation from Congress for the improvement of Michigan City harbor," have had the same under consideration, and I am directed to report the same back with the following amendment, and when so amended recommend its passage:

Strike out all after the resolving clause, and insert the following—"That our Senators in Congress be instructed, and our Representatives requested to use all reasonable exertions to procure an appropriation during the present session of Congress, for the further prosecution and completion of the harbor at Michigan city in the State of Indiana.

*Be it further resolved*, That his excellency the Governor be requested to transmit copies of this joint resolution to each of our Representatives in Congress.

The report was concurred in, amendments adopted, and joint resolution ordered to be engrossed.

Mr. Hawthorn, from the committee on Corporations, made the following report:

MR. PRESIDENT :

The committee on corporations to whom was referred Senate bill No. 29, entitled a bill to provide for the organization of railroad companies, have had the same under consideration and have directed me to report the bill back with the following amendments, and when so amended recommend its passage :

Section 4, line 2, strike out words "and be authenticated" and insert to be authentic. It is a misprint.

Section 5, line 25, after the word "representing" insert the words "a majority of," so as to read "representing a majority of said stock."

Section 11, line 4, strike out the words "or instalments," line 6 after the word "forfeiture" strike out the word "of" and insert "for," so as to read "forfeiture for the valuation," &c., line 22, between words "for" and "or" insert "and" so as to read for and on account of," &c.

Section 13, line 1, strike out the word "contract" and insert "construct."

Section 14, line 8, strike out "and," insert "aid," so as read "to aid in the construction," &c., line 32 strike out "with" and insert "of," line 40 strike out the word "foregoing" and insert "following," line 46 strike out the word "one" and insert "any," so as to read "at any time," &c.

Section 16, line 39, strike out "received" and insert "*reserved*."

Section 19, line 1, after the word "time" insert "after" so as to read "at any time after," &c.

Section 22, line 10, strike out the word "if" before mortgage and insert "a" so as to read "and in case a mortgage," &c.; line 32, after word sale insert "as" so as to read "sale as aforesaid"; line 33, strike out the word "any" and insert "the" so as to read "or the part there," &c.

Section 35, line 9, strike out "as" and insert "at"; line 16, strike out "constructed" and insert "constituted."

Section 37, line 4, strike out "moving" and insert "running"; line 5, strike out "and" and insert "or" so as to read "for an indefinite or fixed period"; line 11, after "corporation" insert "name."

Section 40, line 6, strike out "hereinafter" and insert "hereinbefore."

Section 42, line 4, strike out "hereafter" and insert "heretofore"; line 6, strike out "hereafter" and insert "heretofore"; line 7, strike out the word "confined" and after the word "binding" insert as follows: "and also organizations formed or intended to be formed under and in pursuance of the act of May 11th, 1852, providing for the incorporation of railroad companies between the date of said act and the taking effect of this act are hereby legalized and declared valid as fully as if said act of the 11th of May, 1852, had been published and in full force at the time of such organization," add the following section after section 42:

Section 43. All deeds by any railroad company conveying or leasing their real estate, shall be signed by the President and attested by the seal of the company, and conveyances of their real estate or of their road with its appurtenances and franchises by way of mortgage or in trust, being created as aforesaid may be recorded in the office of the Secretary of State, which shall supercede the necessity of recording such mortgage or deed of trust in the various counties in which such real estate may be situated, or through which such road may run.

Section 44. The stockholders shall be individually liable for all labor done in the construction of said road that shall remain unpaid after the assets of the corporation have been exhausted.

Section 20, line 6, add "representing over a majority of the stock of said company."

Section 39, line 3, after word "completion" add "may abandon said line and take up and remove the materials thereof, or."

Section 21, line 14, add "provided no notes or evidence of debt shall be issued as a currency."

Section 16, line 27, after the word "appropriation" add the following: "taking into view the advantages or disadvantages resulting from the building of such road."

The report was concurred in, amendments adopted, and the bill ordered to be engrossed.

Mr. Mansfield, chairman of the committee on roads, made the following report :

MR. PRESIDENT :

The committee on roads to whom was referred bill No. 58, have had the same under consideration and have instructed me to report the same back to the Senate and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Richardson of Spencer, chairman of the committee on Agriculture, made the following report :

MR. PRESIDENT :

The committee on Agriculture to whom was referred House bill No. 38, a bill to authorize agricultural societies to hold real estate, have had the same under consideration and have instructed me to report the same back without amendment, and recommend its passage-

The report was concurred in and the bill ordered to a third reading.

## RESOLUTIONS.

On motion by Mr. Hawthorn,

*Resolved*, That the clerk of the supreme court inform the Senate what number of cases remain undisposed of on the docket of said court, on the first day of January last; what number at the same time was under submission, and the number in the hands of each judge respectively, and the length of time it will be required, to dispose of the cases that remain on the docket, at the date above mentioned.

## BILLS INTRODUCED.

By unanimous consent,  
Mr. Drew introduced

Senate bill No. 97. A bill authorizing county recorders and county surveyors to issue fee bills.

Which was read a first time, and passed to a second reading.

## ORDERS OF THE DAY.

*Senate Bills on Second Reading.*

No. 96. A bill requiring railroads to be fenced, and providing for compensation for stock killed or injured on such roads, and to repeal all laws in conflict and coming within the provisions of this act,

Was read a second time, and

On motion by Mr. Brown,  
Referred to the committee on corporations.

No. 94. A bill to repeal the 1st, 2d and 3d sections of an act providing for the appointment of Notaries Public, and defining their powers and duties, approved June 9th, 1852, and to provide for the appointment of Notaries Public, and prescribe their qualifications,

Was read a second time, and

On motion by Mr. Slater,  
Referred to the committee on the Judiciary.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am instructed by the House to inform the Senate, that the House have reciprocated the following resolution of the Senate :

*Resolved*, That the House of Representatives be respectfully requested to return to the Senate, House bill No. 11, in order that



the title to such bill may be amended to conform to the requirements of the constitution, and that the bill is herewith returned.

On motion by Mr. Richardson of Spencer,

The vote adopting the title to No. 11, a bill to amend the 303d sec. of an act entitled "an act to revise, simplify, abridge the rules, practices, pleadings and forms in civil cases in this State," &c.,

Was reconsidered,

When,

On motion by Mr. Richardson of Spencer,

The title of the bill was amended by adding the following:

"And to prevent the continuance of a cause by the filing of interrogatories in the absence of the opposite party, except upon affidavit."

A message from the House, by Mr. Levering, their clerk:

MR. PRESIDENT:

I am instructed by the House to inform the Senate, that the House has passed the following engrossed bills thereof:

House bill No. 3. "A bill to prevent the desecration of the Sabbath." Also,

House bill No. 8. "A bill to regulate the election of United States Senator." Also,

House bill No. 52. "A bill to prohibit profanity." Also,

House bill No. 80. "A bill providing for written briefs and oral arguments in the Supreme Court." Also,

House bill No. 83. A bill to amend an act entitled "an act providing for the appointment of Notaries Public, and defining their powers and duties," approved June 9th, 1852.

In which the concurrence of the Senate is respectfully requested.

House bills No. 3, No. 8, No. 52, No. 80 and No. 83, contained in the foregoing message, were each read a first time, and passed to a second reading.

A message from the House, by Mr. Levering their clerk:

MR. PRESIDENT:

I am instructed by the House to inform the Senate, that the House has passed the following joint resolution thereof:

House joint resolution No. 7. Against the removal of certain patents.

In which the concurrence of the Senate is respectfully requested.

The joint resolution contained in the foregoing message, was read a first time, and passed to a second reading.

Leave being granted,

By unanimous consent,

Mr. Anthony introduced,



No. 98. A bill to regulate the taking of appeals from the court of common pleas, and to legalize appeals heretofore taken.  
Which was read a first time and passed to a second reading.

Leave being granted,  
By unanimous consent of the Senate,  
Mr. Anthony introduced

No. 99. A bill to amend section 211 of an act entitled "an act to revise, simplify, and abridge the rules of practice, pleadings and forms in civil cases, in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852, on the subject of limitation of civil actions.

Which was read a first time and passed to a second reading.

Leave being granted,  
By unanimous consent,  
Mr. Suit introduced

No. 8. A joint resolution on the subject of Slavery.  
Which was read a first time and passed to a second reading.

Leave being granted,  
On motion by Mr. Suit,

*Resolved*, That when the Senate adjourn, it will adjourn until Monday next at 2 o'clock, P. M.

Leave being granted,  
Mr. Drew introduced

No. 100. A bill authorizing the recording of patents for real-estate, and making the records thereof and certified copies of such records evidence.

Which was read a first time and passed to a second reading.

Leave being granted,  
Mr. Shields, from the committee on the judiciary, made the following report :

**MR. PRESIDENT :**

The committee on the judiciary to whom was referred House bill No. 40, "a bill providing that no justice shall hear or determine any state prosecution for an assault and battery or assault, unless the injured party be present, or being summoned refuses to attend, or when the summons for him is returned 'not found,' and that no

trial shall be had in cases of affray, unless a witness thereof be present and testify upon such trial, or being summoned, refuses to attend;" have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to a third reading.

Mr. Witherow, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 71, "a bill declaring the proof of names of parties in certain cases not necessary;" have had the same under consideration, and have instructed me to report the same back with one amendment, and when so amended, recommend its passage.

Amend by striking out the second section.

The report was concurred in, amendments adopted, and the bill ordered to be engrossed.

Mr. Witherow, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred Senate bill No. 90, "A bill to amend the 18th section of an act regulating the granting of divorces, nullification of marriages, and decrees and orders of courts incident thereto," have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

On motion by Mr. Wilson,

Leave of absence was granted to Mr. Vandevanter until Tuesday next.

Mr. Hostetler, chairman of the committee on Enrolled Bills, made the following report:

MR. PRESIDENT;

The joint committee on Enrolled Bills have this day presented the following bills to the Governor for his signature and approval:

No. 4. An act supplemental to an act entitled, an act to regulate the sale of swamp lands donated by the United States within the State of Indiana, and to provide for the draining and reclaim-

ing thereof in accordance with the conditions of said grant," approved May 29, 1852.

And also,

No. 7. A bill supplemental to an act providing for the election and qualification of justices of the peace and defining their jurisdiction, powers and duties in civil cases and prescribing the manner of filling vacancies, approved June 9, 1852.

Also,

No. 44. A bill authorizing county auditors to call a special term of the board of county commissioners, whenever the interest of the county may demand.

Mr. Hostetler, chairman of the committee on Enrolled Bills, made the following report:

MR. PRESIDENT:

The committee on Enrolled Bills have compared the enrolled with the following engrossed copies of Senate bills:

Senate bill No. 4. An act supplemental to an act entitled, an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the conditions of said grant, approved May 29, 1852.

And also,

Senate bill No. 7. A bill supplemental to an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases, and prescribing the manner of filling vacancies, approved June 9, 1852.

And also,

Senate bill No. 44. A bill authorizing county auditors to call a special term of the board of county commissioners, whenever the interest of the county may demand;

And find the same correctly enrolled.

On motion by Mr. Kightley,  
The Senate adjourned.

MONDAY, 2 o'clock, P. M. }  
February 5th, 1855. }

The Senate met.

The Journal of Saturday was read.

The President laid before the Senate the following communication from the Agent of State :

OFFICE OF AGENT OF STATE, (IND.) }  
New York, Jan. 4, 1855. }

TO THE HON. A. P. WILLARD,  
*President of the Senate :*

SIR:—Please lay before the body over which you have the honor to preside, my official report.

Very respectfully your obedient servant,  
JOHN M. LORD,

On motion by Mr. Brookshire,

The communication and accompanying report was laid on the table, and the usual number of copies ordered to be printed.

#### PETITIONS, MEMORIALS, REMONSTRANCES.

By Mr. Anthony:

A petition from property holders and business men of Valparaiso, Porter county, on the subject of insurance companies.

Referred to the committee on Corporations.

By Mr. Williams:

A petition from the property holders and business men of Henry county on the subject of insurance companies.

Referred to the committee on Corporations.

By Mr. Mansfield:

A memorial from John W. Gillum on the subject of the State Prison.

Referred to the committee on State Prison.

By Mr. Griggs:

A petition from the citizens of Mortinsville, Morgan county, on the subject of foreign insurance companies.

Referred to the committee on Corporations.

## REPORTS FROM COMMITTEES.

Mr. Rugg, chairman of the committee on the Organization of Courts, made the following report :

**MR. PRESIDENT :**

The committee on the organization of courts, to whom was referred so much of the Governor's message as relates to the salaries of Judges of the Supreme and Circuit courts, have had the same under consideration, and directed me to report the following bill :

No. 101. A bill to provide compensation to the judges of the Supreme and Circuit courts, amendatory to the law on that subject.

Which was read a first time and passed to a second reading.

Mr. Richardson of St. Joseph, chairman of the committee on corporations, made the following report :

The committee on corporations have had under consideration House bill No. 23, a bill to amend sections 1, 2, and 7 of an act entitled, "an act to establish and regulate ferries, approved June 17, 1852, so as to extend to any person, persons, or corporations, who may own or hold by lease, land on any creek or river, the right to have a public ferry, and to prevent a ferry lying in two counties from being assessed with a double tax," and I am directed to report said bill to the Senate, and to recommend its passage.

Which report was concurred in, and the bill ordered to a third reading.

Mr. Jackson of Tipton, from the committee on swamp lands, made the following report :

**MR. PRESIDENT :**

The committee on swamp lands to whom was referred Senate bill No. 55, "a bill to regulate the title of all those who purchased swamp lands of the United States after the date of the donation, and before the selection of swamp lands by the State of Indiana, and to authorize the State to refund the excess, where said purchasers paid over one dollar and twenty-five cents per acre," have had the same under consideration, and directed me to report the same back to the Senate with the following amendment :

Strike out of the 3d section, the words "securing such patent," and insert, "who entered said land," after the adoption of which, they recommend the passage thereof.



The report was concurred in, amendments adopted, and the bill ordered to be engrossed.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Slater introduced,

No. 102. A bill to provide for public peace, and private security, and to prevent conspiracies and combinations interfering with the free enjoyment of religious rights of citizens, and prescribing the punishment therefor.

Which was read a first time and passed to a second reading.

By unanimous consent  
Mr. Jackson of Tipton introduced

No. 103. A bill to amend section 19 of an act for the government of the Indiana Hospital for the Insane, and the care of the Insane of Indiana, approved Jan. 15, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Richardson of Spencer introduced

No. 104. A bill to provide for the sale under execution or order of sale, of any house or other building belonging to the defendant, but situated on land not owned by him.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Drew introduced,

No. 105. A bill to enlarge the jurisdiction of the courts of common pleas, in cases in which property is or may be attached.

Which was read a first time, and passed to a second reading.

By unanimous consent  
Mr. Shields introduced

No. 106. A bill requiring swamp land commissioners to give bond.

Which was read a first time, and passed to a second reading.

#### ORDERS OF THE DAY.

##### *Senate Bills on Second Reading.*

No. 97. A bill authorizing county recorders and county surveyors to issue fee bills.



Was read a second time, and  
 On motion by Mr. Anthony,  
 Referred to the committee on the Judiciary.

No. 98. A bill to regulate taking of appeals from the court of common pleas, and to legalize appeals heretofore taken.

Was read a second time, and  
 On motion by Mr. Anthony,  
 Referred to the committee on the judiciary.

No. 99. A bill to amend section 211 of an act entitled "an act to revise, simplify and abridge the rules of practice, pleading and forms in civil cases in the courts in this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, on the subject of limitations in civil actions,

Was read a second time, and  
 On motion by Mr. Anthony,  
 Referred to the committee on the Judiciary.

No. 100. A bill authorizing the recording of patents for real estate, and making the records thereof, and certified copies of such records evidence,

Was read a second time,  
 On motion by Mr. Anthony,  
 The bill was considered as engrossed.

Mr. Anthony moved to suspend the rules and read the bill a third time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Brookshire, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Griggs, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Kightley, Mansfield, Meeker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Slater, Tarkington, Weston, Williams, Wilson, Withers and Woods—32.

*Those who voted in the negative were,*

Messrs. Freeland, Glazebrook, McCleary, and Mathes—4.

So the rules were suspended and the bill read a third time;  
 The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Brookshire, Burke, Combs, Crouse Cutshaw Drew, Ensey, Freeland, Glazebrook, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Slater, Spann, Suit, Tarkington, Weston, Williams, Wilson, and Witherow—36.

Messrs. Bearss and Cravens voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

*Senate Joint Resolutions on Second Reading.*

No. 8. A joint resolution on the subject of slavery,

Was read a second time.

On motion by Mr. Suit,  
Laid on the table.

*House Bills on Second Reading.*

No. 3. A bill to prevent the desecration of the Sabbath,

Was read a second time, and

On motion by Mr. Slater,  
Referred to the committee on the Judiciary.

No. 8. A bill to regulate the election of United States Senators.

Was read a second time; and,

On motion by Mr. Anthony,  
Referred to the committee on the Judiciary.

No. 52. A bill to prohibit profanity,

Was read a second time, and

On motion by Mr. Hendry,  
Referred to the committee on the Judiciary.

No. 80. A bill requiring written briefs to be filed in the Supreme Court,

Was read a second time; and,

On motion by Mr. Anthony,  
Referred to the committee on the Judiciary.

No. 83. A bill to amend an act entitled "an act providing for the appointment of Notaries Public, and defining their powers and duties," approved June 9, 1852,

Was read a second time, and  
On motion by Mr. Hendry,  
Referred to the committee on the Judiciary.

*House Joint Resolutions on Second Reading.*

No. 7. A joint resolution against the renewal of certain patents,

Was read a second time,  
Mr. Anthony moved to suspend the rules and read the joint resolution a third time now,  
The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Slater, Spann, Suit, Tarkington, Weston, Williams, Wilson and Woods—37.

Messrs. Brookshire, Griggs and Witherow voting in the negative—  
3.

So the rules were suspended and the joint resolution read a third time,

The question then being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Combs, Crane, Crouse, Cutshaw, Drew, Ensey, Freeland, Griggs, Harris, Hendry, Hosbrook, Hostetler, Meeker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Suit, Tarkington, Weston, Williams, Wilson and Woods—29.

*Those who voted in the negative were,*

Messrs. Cravens, Glazebrook, Hawthorn, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Slater, Spann, and Witherow—  
11.

So the joint resolution passed.

*Ordered,* That the Secretary inform the House thereof.

*Senate Bills on Third Reading.*

No. 29. A bill to provide for the organization of railroad companies.

Which,

On motion by Mr. Anthony,  
Was laid on the table.

No. 45. A bill fixing the time of holding the several circuit courts in the third judicial circuit, prescribing the length of terms thereof, and repealing all laws in conflict with the same,

Was read a third time,

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Hendry, Hostetler, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Slater, Spann, Suit, Tarkington, Weston, Williams, Wilson, Witherow and Woods—40.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 50. A bill to provide for the election of United States Senator,

Was read a third time, and

On motion by Mr. Suit,  
Laid on the table.

No. 58. A bill to amend the 24th, the 31st, the 33d and the 37th sections of an act entitled "an act to provide for the opening, vacating and change of highways," approved June 17th 1852,

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook,

Griggs, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Kightley, McCleary, Mansfield Mathes, Meeker, Reynolds, Richardson of Spencer, Rugg, Sage, Slater, Suit, Tarkington, Weston, Williams, Wilson, Witherow and Woods—37.

Messrs. Robinson and Shields voting in the negative—2.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 71. A bill declaring the proof of names of parties in certain cases not necessary,

Was read a third time; and,  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hendry, Hosbrook, Kightley, McCleary, Meeker, Reynolds, Richardson of Spencer, Robinson, Rugg, Sage, Weston, Williams, Wilson, Witherow and Woods—30.

*Those who voted in the negative were,*

Messrs. Hawthorn, Hostetler, Mansfield and Mathes—4.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 78. A bill to provide for the listing of corporation and public stocks,"

Was read a third time. and  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Slater, Spann, Tarkington, Weston, Williams, Wilson, Witherow, and Woods—39.

No Senator voting in the negative.

So the bill passed.



*Ordered*, That the Secretary inform the House thereof.

No. 82. A bill to amend the first section of an act entitled "an act concerning license to vend foreign merchandize, to exhibit any caravan, menagerie, circus, rope or wire dancing, puppet shows, and legardemain, approved June 15, 1852, and to prevent the establishment of a broker's office as a business."

Was read a third time, and  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Bearss, Brookshire, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Hostetler, Mansfield, Mathes, Meeker, Reynolds, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Slater, Spann, Tarkington, Wilson, Witherow, and Woods—29.

*Those who voted in the negative were,*

Messrs. Harris, Hendry, Hosbrook, Jackson of Tipton, Kightley, McCleary, Weston, and Williams—8

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 84. A bill amending sec. 11 of chap. 31 of the Revised Statutes of 1852, relative to the making out and furnishing to the several inspectors of elections, poll books, tally papers, &c., and providing compensation for said services.

Was read a third time, and the question being,  
Shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Bearss, Brookshire, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Reynolds, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Slater, Spann, Tarkington, Williams, Wilson, Witherow and Woods—36.

No Senator voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.



No. 88. A bill to amend the second section of an act entitled "an act to incorporate the Ward cotton mill," approved Feb. 15, 1848, and increasing the capital Stock thereof.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Spann, Weston, Williams, Wilson, Witherow, and Woods—36.

Mr. Slater voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 89. A bill to regulate the filing of bonds, and oaths of guardians, and to repeal section 4 of an act touching the relation of guardian and ward. approved June 9th, 1852.

Was read a third time; and,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Slater, Spann, Weston, Williams, Wilson, Witherow and Woods—36.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 90. A bill to amend the 18th sec. of an act entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of courts incident thereto," approved May 13, 1852,

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Mansfield, Mathes, Meeker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Slater, Spann, Tarkington, Weston, Williams, Witherow and Woods—35.

Mr. McCleary voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 92. A bill to authorize the appointment of commissioners to execute deeds to purchasers under sales by executors, administrators and gurdians.

Was read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Spann, Tarkington, Weston, Williams, Wilson, Witherow and Woods—37.

No Senator voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

*Senate Joint Resolutions on Third Reading.*

No. 2. A joint resolution asking an appropriation from Congress for the improvement of Michigan City harbor.

Was read a third time; and,

The question being, shall the joint resolution pass ?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Richardson of St. Joseph, Richardson

of Spencer, Robinson, Rugg, Sage, Shields, Slater, Spann, Tarkington, Weston, Williams, Wilson, Witherow and Woods—36.

No Senator voting in the negative.

So the joint resolution passed.

*Ordered*, That the Secretary inform the House thereof.

*Senate bills on their Third Reading.*

No. 38. A bill authorizing county agricultural societies to purchase and hold real estate;

Was read a third time; and,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Burke, Combs, Crane, Crouse, Drew, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Slater, Spann, Tarkington, Weston, Williams, Wilson, Witherow and Woods.—36.

No Senator voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 40. A bill providing that no Justice shall hear or determine any State prosecution for an assault and battery, or assault, unless the injured party be present, or when the summons for him is returned not found, and that no trial shall be had in cases of affray unless a witness thereof be present and testify upon such trial, or being summoned refuse to attend.

Was read a third time; and,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Burke, Combs, Crane, Drew, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Slater, Spann, Tarkington, Weston, Williams, Wilson, Witherow and Woods—35.

No Senator voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof

No. 71. A bill to provide for the service of summons of a witness by copy.

Was read a third time; and,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Burke, Combs, Crane, Cravens, Crouse, Drew, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Tipton, McCleary, Mansfield, Mathes, Meeker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Slater, Spann, Tarkington, Weston, Williams, Wilson, Witherow and Woods—36.

Mr. Kightley voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

A message from the Governor, by Mr. King, Executive Messenger:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate, that he has approved and signed the following bills, to-wit:

No. 7. An act supplemental to an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases, approved June 9, 1852, and prescribing the manner of filling vacancies.

No. 44. An act authorizing county auditors to call a special term of the board of county commissioners, whenever the interest of the county may demand it.

No. 4. An act supplemental to an act entitled, "an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant, approved May 29, 1852.

Which bills originated in the Senate.

The President laid before the Senate the following communication from the Clerk of the Supreme Court:

Hon. A. P. WILLARD,

*President of the Senate:*

SIR:—In compliance with a resolution of the Senate of the 3d

inst., I have the honor to submit the following statement of cases in the Supreme Court:

*Unsubmitted*, one hundred and ninety-three cases.

*Submitted*, four hundred cases—one hundred cases in the hands of each Judge.

Petitions for rehearing pending in seventeen cases.

Total, six hundred and ten cases on the docket up to the 1st of January, 1855, undisposed of.

Respectfully,

W. B. BEACH, C. S. C.

By FRED. KNEFLER, *Deputy*.

On motion by Mr. Freeland,

The vote heretofore taken referring the report of a committee on behalf of the "Vincennes Medical Association," to the committee on Education.

Was reconsidered; when,

Leave was granted,

Mr. Freeland to withdraw the petition from the files of the Senate.

On motion by Mr. Meeker,

The Senate adjourned.

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TUESDAY MORNING, 9 o'clock, }  
February 6th, 1855. }

The Senate met.

The Journal of yesterday was read.

#### PETITIONS, MEMORIALS, REMONSTRANCES, &c.

By Mr. Hendry:

A petition from Wm. A. Porter on the subject of a claim as prosecuting attorney *pro tem*.

Referred to the committee on Claims.



## REPORTS FROM COMMITTEES.

Mr. Slater, from the committee on Elections, made the following report:

The minority of the committee on elections, to whom was referred the case of the contest of the election of George McDowell to a seat in the Senate from the district of Huntington and Wells, by Isaac D. Long, submit that in the consideration of this case they find in proof the following facts, to-wit:

This is a proceeding in which Isaac D. Long, as a voter of said Senatorial district, seeks to contest the election of George McDowell as Senator, under the provisions of an act entitled "an act to provide for contesting the election to any State, district, circuit, county, or township officer," approved May 4th, 1852. There is in proof before the committee the joint certificate of the Sheriffs of Huntington and Wells counties in one form of law certifying that George McDowell is duly elected Senator from said district, which said district is composed of the counties above of Huntington and Wells. In support of the contest the following documentary evidence was offered, (to-wit:) the certificate of the board of canvassers of Wells county, also the certificate of the board of canvassers of Huntington county, and the poll books and tally papers of Polk township in Huntington county, from which it appeared that in the county of Wells, George McDowell received 671 votes for Senator, that one George W. Chapman received 594 votes for the same office, that in the county of Huntington George McDowell received 787 votes, George W. Chapman received 844 vote, in Polk township McDowell received 21 votes and said Chapman 83. The contestor also proved by Sheriff of Wells county that written notice was served on McDowell, another paper in the letter with the notice but knew not the contents of the other paper. By agreement of the parties it was admitted that the election in Polk township was regular and that the vote thereof had not been canvassed by the board of canvassers. The contestee then proved by Mr. Milligan that there were a large number of votes given by railroad hands, that were not citizens or entitled to vote. They professed to come from Ohio and left the day after election. Most of them, between 25 and 30, voted at that poll. In addition, 4 others who were not entitled to vote voted at that poll, 3 of them voted for Chapman and the other he does not know how he voted. In addition there were seven or eight of these railroad men who were not legal voters as they claim and was generally understood in Union township, and they say that they had voted the whig ticket. Mr. Loughridge corroborates the testimony but fixes the number of foreign votes at from 30 to 40. Chesebroughes one illegal vote given in Dallas township voted whig ticket. Mahon proves that there were from 15 to 20 illegal votes polled in Jackson township in said county of Huntington, and he understood



they voted for Chapman. Mr. Wiley proves that he knew of 15 or 20 illegal votes given in Huntington township and supposed they voted the fusion ticket. Thus stands the facts of the case. Mr. McDowell holds his seat in this body by a legal certificate. The contestee, Mr. Delong, comes in to avail himself of the privilege given by statute to every voter in the State, under certain regulations, to contest the election of any officers for whom he had the right to vote. This being a special proceeding under the statute and differing materially from those ordinary cases where both of the parties are claimants for the seat in your body, and are entitled to the courtesies due to Senators, the undersigned have thought it prudent to examine whether analagous proceedings should obtain, and the precedent set in ordinary contests between claimants for the same office govern in this case, and have come to the conclusion and so report that in the opinion of the undersigned the law providing for the contests of the election of members of either House of the General Assembly by a voter shall be construed and interpreted as other statutes are construed and interpreted, and that the rules of law and procedure which govern courts and other tribunals invested with power to inquire and determine upon facts and law, should be applied to the construction of that statute, and that the construction of the statute in making the Senate the judge of the election and qualification of its members could never have been intended to throw into worse than anarchy that body by absolving them from all obligations to the rules of law and established usage. The undersigned have come to this conclusion: That when the Senate sits in judgment upon the qualification of its members it so sits in a judicial and not in a legislative capacity, and more especially is it so when a voter comes before that body and asks to be heard by virtue of a law given by statute to him as such voter under particular restrictions.

The constitution of the State of Indiana makes no provision for the case now under consideration. It is a creature of the Statute, a special privilege to a particular class, a voter and none other, can by that law, come before the Senate and ask to be heard in opposition to the claims of a Senator to his right upon this floor. That this is the case, cannot be reasonably doubted, for no one will contend that it is at all necessary for the claimant of a seat held by another, to give notice and go through with all that statutory preliminary before the Senate could entertain his case. Therefore, in the opinion of the undersigned, the contestor in this case, desiring all his powers in the premises from the law that he is bound to pursue his remedy in the mode pointed out by the Statute, at least substantially. That any other course is calculated to lead to confusion, take up the time of the Senate examining witnesses, burthens the State with the expense of sending to distant parts thereof for persons, when the whole matter with a very little cost, can be better attended to, if the Statute be strictly pursued, and the whole evidence taken before the tribunal pointed out by the Statute—and entertaining these views, the undersigned have felt it their duty to inquire

how far the provisions of the Statute have been complied with by the contestor, and beg leave to say your committee have not been furnished with satisfactory proof that any of the provisions of the Statute have been complied with. The 5th section of that Statute says, that any such elector who may choose to contest the election of any person declared elected to a seat in the Senate, &c., shall, within ten days after such election, file with the clerk of the circuit court of the county in which the alleged cause of contest originated, a statement, &c. Your committee were furnished with no evidence to show that this section of the Statute had been complied with. It is true, there was among the papers in the case, one, purporting to be a statement of the grounds of contest upon which Mr. De-long relied, but it was not certified or proven in any manner, that the same was ever filed in the clerk's office of the county in which the cause originated. Nor has the 6th section of said act, which requires the clerk to issue his commission to two justices of the peace to take depositions, been complied with, or if so, the committee were not furnished with any evidence of the fact. Nor have the provisions of the 7th section of said act been complied with, in serving the contestee with a copy of the statement of the grounds of contest certified by the clerk. Nor has the provisions of the 10th, 11th or 13th sections of said act been complied with; at least the committee have no evidence before them, from which they could infer a compliance. The undersigned would, in view of all the facts of this case, beg leave to dissent from the report of the majority of said committee, and inasmuch as the evidence before the committee shows that a large number of illegal votes were given at said election, the undersigned feel called upon to examine into the character and sufficiency of that branch of the testimony, and in doing so due regard was had to the law and known rules of evidence in other cases—one of which rules is, that the best evidence the nature of the case admits of, shall be given—which gives rise to the inquiry, what is the best evidence to prove the residence of these men, who are proven to have voted at that election, as well as for whom they voted? It is an admitted principal of law, that character, birth, nationality, residence, &c., may be proved by reputation, and it is equally well settled, that secondary evidence is admitted in the absence of primary. In this case, is in proof that 30 or 40 men voted at the polls in Huntington township, in Huntington county, who, from the time and manner of their coming there, their professions when they come, of their former place of residence, and the reputation they established among the people there in reference to their right to vote, authorize the undersigned to conclude that they were not legal votes; and it is in proof that these men left that country shortly after said election, thus putting it out of the power of the parties to this case, or the Senate, to procure any better species of testimony. The same facts are proven with reference to those 7 or 8 who voted in Union township, as well as the 15 or 20 who voted in Jackson township. Those votes when counted to-

gether, and added to the 4 resident voters in Huntington township who had not been in the State six months immediately preceeding the election, and the boatmen who voted in Dallas township, will swell the number of illegal votes much beyond the majority claimed for Mr. Chapman. The undersigned would also say that although it is not clearly proven for whom those illegal votes were given, yet, from the evidence before the committee, there is a strong tendency to the conclusion that they were given for Mr. Chapman. Therefore, inasmuch, as it is impossible to determine with certainty who had the greatest number of legal votes for Senator in said district, the undersigned would recommend to the Senate, to refer the question back to the people of the district to be determined by them at an election.

On motion by Mr. Shields,  
The report was laid on the table.

On motion by Mr. Shields,  
The report of the majority of the committee on elections on the same subject, was taken from the table.

Mr. Slater moved to lay the report of the majority on the table.

The ayes and noes being demanded by Senators Bearss and Hosbrook.

*Those who voted in the affirmative were,*

Messrs. McCleary, and Slater—2.

*Those who voted in the negative were,*

Messrs. Anthony, Bearss, Brookshire, Burke, Combs, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Suit, Tarkington, Vandevanter, Weston, Williams, Wil-on, Witherow and Woods—41.

So the report was not laid on the table.

Mr. Bearss, moved to concur in the report of the majority.

The ayes and noes being demanded by Senators Slater and Hosbrook.

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker,

Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Sage, Shields, Shook, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson Witherow and Woods—41.

Messrs. McCleary, Rugg, and Slater, voting in the negative.

So the report was concurred in.

Whereupon, Mr. Chapman came within the bar of the Senate, was sworn into office by the President and took his seat as Senator from the counties of Huntington and Wells.

Mr. Richardson of St. Joseph, chairman of the committee on corporations, made the following report:

**MR. PRESIDENT:**

The committee on corporations, to whom was referred Senate bill No. 85, "a bill to enable railroad companies to dissolve," have had the same under consideration, and I am directed to report the bill to the Senate and to recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Vandevanter, from the committee on the Judiciary, made the following report:

**MR. PRESIDENT:**

The committee on the Judiciary to whom was referred Senate bill No. 75, "a bill to provide for the punishment of negligence, carelessness and misconduct of the operatives and agents of railroad companies," have had the same under consideration, and have directed me to report it back without amendment and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Richardson of Spencer, chairman of the committee on Agriculture, made the following report:

**MR. PRESIDENT:**

The committee on Agriculture to whom was referred Senate bill No. 76, a bill to amend section third of an act entitled "an act for the regulation of weights and measures," approved June 9th, 1852, have had the same under consideration, and have instructed me to report the same back with one amendment, and when so amended recommend its passage, viz:

Amend by adding the following: "two thousand pounds of merchantable hay shall be taken for a ton."

The report was concurred in, amendments adopted, and bill ordered to be engrossed.

#### RESOLUTIONS.

On motion by Mr. Hostetler,

*Resolved*, That the committee on the organization of courts be instructed to report a bill to reduce the number of districts of common pleas courts one third or one half, and that the same take effect on the second Tuesday in October, 1856.

Leave being granted,

On motion by Mr. Brookshire,

The vote by which Senate bill No. 47, a bill amendatory of and supplemental to an act entitled "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the conditions of said grant," approved May 29th, 1852,

Was lost on its passage, was reconsidered.

Mr. Vandevanter moved

To recommit the bill to the committee on swamp lands, with instructions to strike the emerging clause from the bill, and insert in lieu thereof as follows:

"Sec. 11. This act shall take effect and be in force from and after the 1st day of June, 1856."

Which was not agreed to.

Mr. Shook moved to indefinitely to postpone the bill,

Which was not agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Brookshire, Combs, Crane, Cutshaw, Drew, Ensey, Harris, Hawthorn, Hosbrook, Jackson of Madison, Jackson of Tipton, Mansfield, Reynolds, Rugg, Sage, Shields, Spann, Weston, and Woods.—20.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Cravens, Glazebrook, Helm, Hendry, Kightley, Mathes, Meeker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Shook, Slater, Suit, Vandevanter, Williams, Wilson and Witherow.—21.

So the bill did not pass.



## ORDERS OF THE DAY.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I directed by the House to inform the Senate that the House has passed engrossed bill of the Senate No. 35, entitled "a bill creating the 12th judicial circuit, providing for the election of a judge thereof, fixing the times of holding courts therein, providing for the appointment of a judge to fill the vacancy therein declared, regulating the return of process, &c., and providing for the prosecution of the pleas of the State therein," with the accompanying engrossed amendment of the House thereto, in which the concurrence of the Senate is respectfully requested.

The amendments of the House to the bill contained in the foregoing message were concurred in.

*Ordered*, that the secretary inform the House thereof.

Mr. President appointed Mr. Chapman on the following committees, to-wit: The committee on canals and internal improvements, in place of Mr. McDowell; on the committee on claims, on the committee on State Prison, in place of Mr. McDowell; on the committee on manufactures, in place of Mr. Parker; on the committee on agriculture, in place of Mr. McDowell; on the committee on phraseology and arrangement of bills, in the place of Mr. McDowell.

*Senate Bills on Second Reading.*

No. 101. A bill to provide compensation to the judges of the supreme and circuit courts, amendatory to the law on that subject,

Was read a second time, and

Mr. Drew offered the following amendment :

Strike out \$1500 on the amount of the Governor's salary and insert \$2500,

Which was agreed to.

Mr. Spann moved to amend by striking out "\$1800" as salary for supreme judge and insert "\$1600."

Mr. Anthony moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Spann and Anthony,

*Those who voted in the affirmative were,*

Messrs. Anthony, Burke, Cravens, Crouse, Griggs, Helm, Reynolds, Richardson of St. Joseph, Rugg, Sage, Shields, Suit, Weston and Woods.—14.



*Those who voted in the negative were,*

Messrs. Bearss, Chapman, Combs, Crane, Cutshaw, Drew, Ensey, Glazebrook, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Richardson of Spencer, Robinson, Shook, Slater, Spann, Tarkington, Vandevanter, Williams, Wilson, and Witherow—30.

So the amendment was not laid on the table.

The question then recurring on the amendment of Mr. Spann,  
The ayes and noes being demanded by Messrs. Spann and Crane,

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Chapman, Combs, Crane, Cutshaw, Drew, Glazebrook, Hawthorn, Helm, Hendry, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Richardson of Spencer, Robinson, Rugg, Shields, Slater, Spann, Tarkington, Weston, Williams, Wilson and Witherow—31.

*Those who voted in the negative were,*

Messrs. Burke, Cravens, Crouse, Ensey, Griggs, Harris, Hosbrook, Reynolds, Richardson of St. Joseph, Sage, Shook, Suit, Vandevanter and Woods.—14

So the amendment was agreed to.

Mr. Tarkington offered the following amendment, strike out  
“\$300” as Prosecuting Attorney’s salary, and insert \$500,

Which was not agreed to.

Mr. Hawthorn offered to amend by striking out \$1500 for Circuit Judges and insert \$1200.

A division of the question was called for,

The question being on striking out \$1500.

The ayes and noes being demanded by Senators Spann and Suit,

*Those who voted in the affirmative were,*

Messrs. Bearss, Chapman, Combs, Crane, Cutshaw, Ensey, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightly, McCleary, Mansfield, Mathes, Meeker, Richardson of Spencer, Shields, Shook, Slater, Vandevanter, Weston, Williams, Wilson and Witherow—30.

*Those who voted in the negative were,*

Messrs. Anthony, Brookshire, Burke, Cravens, Crouse, Drew, Richardson of St. Joseph, Rugg, Sage, Spann, Suit, Tarkington and Woods—13.

So 1500 was stricken out.

The question then recurring on inserting 1200,

Mr. Tarkington moved to amend by inserting 1400.

Mr. Richardson, of Spencer, moved to insert 1300.

The question being on inserting 1400,

Pending which,

On motion by Mr. Suit,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

The question pending at adjournment was Mr. Tarkington's proposition to insert \$1400 as the salary for Circuit Judges,

Which was not agreed to.

The question then recurring on the proposition of Mr. Richardson, of Spencer, to insert \$1300,

Which was not agreed to.

The question then recurring on the original proposition offered by Mr. Hawthorn, to insert \$1200,

It was agreed to.

Mr. Spann offered the following amendment :

Amend by reducing the salary of the Superintendent of Public Instruction to five hundred dollars, and dispense with the services of a clerk.

Mr. Anthony moved to lay the amendment on the table,

The ayes and noes being demanded by Senators Anthony and Spann,

*Those who voted in the affirmative were,*

Messrs: Anthony, Barnett, Bearss, Burke, Chapman, Combs, Crane, Cravens, Cutshaw, Drew, Freeland, Harris, Helm, Hendry, Hostetler, Kightley, Meeker, Richardson of Spencer, Robinson, Rugg, Sage, Suit, Williams, Wilson, Witherow and Woods—26.

*Those who voted in the negative were,*

Messrs. Brookshire, Brown, Ensey, Glazebrook, Griggs, Hawthorn, Hosbrook, Jackson of Madison, Jackson of Tipton, Mansfield, Mathes, Reynolds, Shields, Shook, Slater, Spann and Tarkington—18.

So the amendment was not agreed to.

Mr. Spann moved to strike out \$1300 and insert \$700.

Which was not agreed to.

Mr. Spann moved to strike out \$1300 and insert \$1000.

The ayes and noes were demanded by Senators Spann and Anthony.

*Those who voted in the affirmative were,*

Messrs. Alexander, Barnett, Brookshire, Glazebrook, Brown, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, McCleary, Mansfield, Mathes, Richardson of Spencer, Rugg, Shields, Shook, Slater, Spann, Tarkington, Williams and Wilson—22.

*Those who voted in the negative were,*

Messrs. Anthony, Bearss, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Griggs, Harris, Helm, Hendry, Kightley, Meeker, Reynolds, Robinson, Suit, Vandevanter, Witherow and Woods—25.

So the amendment was not agreed to.

When,

On motion by Mr. Meeker,

The bill was referred to the committee on Finance.

Leave being granted,

On motion by Mr. Woods,

Senate bill No. 87. A bill to prohibit the Manufacture and sale of spirituous and intoxicating liquors except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance;

Was taken from the table.

Mr. Brown offered the following amendment:

Strike out from the enacting clause and insert—

SEC. 1. That no person shall retail spirituous and intoxicating liquors, except for sacramental, mechanical, chemical, medicinal or culinary purposes without the consent of the board of commissioners of the county in which said retailing is done, or if in any city, without the consent of the common council of said city, but if in any city, the consent of the board of commissioners of the county shall not be necessary.

SEC. 2. It shall be lawful for the common council of any city to grant, or refuse permits to any person within the limits of said city to sell or retail any spirituous vinous, or fermented liquors, or either of them; but no such permit shall be granted for a longer period

than one year; and any such permit may be revoked by ten days' notice, by delivery of the copy of the resolution of said common council to the person having said permit, or by leaving a copy at the residence or place of retailing said liquors, by the Marshal, or other authorized officer of said city.

SEC. 3. It shall be lawful for the board of commissioners of any county to grant, or refuse permits to any person or persons within said county, and not within the corporate limits of any city in said county to sell by retail, any spirituous, vinous, or fermented liquors, or either of them; but no such permit shall be granted for a longer period than one year, and such permit may be revoked by ten days' notice, by the delivery of the copy of the order of said board of commissioners to the person having said permit, or by leaving a copy at the residence or place of retailing said liquors by the sheriff of said county.

SEC. 4. Said board of Commissioners of any county shall not grant any such permit to any person of bad character, or who does not keep an orderly house, nor unless said board of commissioners shall believe said applicant is prepared with houses, stabling, bedding, and provender, to keep an orderly house; and said commissioners shall be satisfied that the keeping of a tavern at the place to be specified in said permit, is necessary for the accommodation of the public.

SEC. 5. The permits hereinbefore provided, shall specify the place where said liquors shall be sold.

SEC. 6. The word "retail" in this act, shall be construed to mean the sale or barter, direct or indirect, of any quantity of liquor less than one gallon.

SEC. 7. A permit granted under the provisions of this act, shall not authorize any person to retail liquors on Sunday, nor within one mile of any camp ground when people are assembled for religious services, nor on any day when a general or special election is being held, nor on any other day in any city when the common council thereof, shall by a resolution direct the mayor, by proclamation to prohibit the same.

SEC. 8. Any person who shall sell or give any spirituous, vinous, or fermented liquors to any person who is intoxicated, or who is a habitual drunkard, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than twenty-five dollars, and shall be imprisoned until said fine and costs of prosecution are paid or replevied.

SEC. 9. If any person having a permit as aforesaid, violates any of the provisions of this act, or shall sell any liquors to any person at any place other than specified by said permit, he shall be guilty of a misdemeanor, and shall be fined in any sum not less than fifty nor more than two hundred dollars; and upon conviction thereof, shall be fined, and imprisoned until said fine and costs of prosecution are paid or replevied; and from said conviction said permit shall be declared null and void, and said person shall be declared and ren-

dered incapable of holding or receiving any other permit, for the term of five years.

SEC. 10. All contracts made for the performance of any obligation, or for the sale or exchange of any property, real or personal, by any person who, at the time of such contract, is in a state of intoxication, rendering him incapable of making a contract, shall be voidable at the option of such intoxicated person.

SEC. 11. All places or houses wherein spirituous liquors shall be sold or bartered, directly or indirectly, without license, in less than one gallon, or suffer or allowed to be drank in or about such place, house, out house, yard, or appertenance thereto, be, and the same are hereby declared to be common and public nuisances as aforesaid, shall upon conviction thereof, be fined in any amount not less than ten dollars nor more than one hundred dollars, and be imprisoned until said fine and costs of prosecution shall be paid or replevied.

SEC. 12. It shall be the duty of the proper prosecuting or district attorney, when informed of the existence of any such nuisance as defined and designated by this act, immediately to institute legal proceedings against any person or persons keeping and maintaining such nuisance, and on his failure to commence and faithfully prosecute such nuisance, shall be fined in any sum not less than ten dollars nor exceeding twenty-five dollars, by any court having competent jurisdiction.

SEC. 13. The mayor of any city within such city, and justices of the peace within their respective counties, may have jurisdiction of all prosecutions under the provisions of this act, subject to an appeal to the court of common pleas, or the circuit court of the county, as provided in other State prosecutions; and in all trials under the provisions of this act, the defendant or the State or the justice may have a jury, which may be empaneled and sworn in as in civil cases. But if a jury is not so demanded, then the defendant shall be tried by the mayor or justice.

SEC. 14. All acts coming in contravention with this act, and all laws heretofore passed on the subject of the retailing of spirituous, vinous, or malt liquors, are hereby repealed; *Provided*, nothing in this act shall be so construed as to bar any suit heretofore commenced.

The ayes and noes were demanded by Senators Hosbrook and Brown.

*Those who voted in the affirmative were,*

Messrs. Barnett, Brookshire, Brown, Drew, Glazebrook, Hostetler, Jackson of Tipton, McCleary, Mansfield, Mathes, Richardson of Spencer, Shields, Slater and Spann—14.



*Those who voted in the negative were,*

Messrs. Anthony, Bearss, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Ensey, Freeland, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Madison, Kightley, Meeker, Reynolds, Robinson, Sage, Shook, Suit, Vandevanter, Williams, Wilson Witherow and Woods—30.

So the amendment was not agreed to, and the bill ordered to be engrossed.

Mr. Hosbrook moved to consider the bill as engrossed, and read a third time now.

Mr. Slater moved to recommit the bill with the following instructions:

That the agents, provided for by the provisions of said bill, shall be elected by the qualified voters of each township.

Mr. Wood moved to lay the motion to recommit with instruction, on the table.

Which was agreed to.

The question then being, shall the bill be considered as engrossed and read a third time now,

The ayes and noes being demanded by Senators Hosbrook and Slater,

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Ensey, Glazebrook, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Mansfield, Meeker, Reynolds, Richardson of Spencer, Rugg, Sage, Shields, Tarkington Vandevanter, Williams, Wilson, Witherow and Woods—32.

*Those who voted in the negative were,*

Messrs. Alexander, Barnett, Brookshire, Drew, Freeland, Griggs, Jackson of Tipton, Kightley, McCleary, Mathes, Robinson, Shook, Slater, Spann and Suit—15.

So the bill was considered as engrossed, and read a third time.

Mr. Shook moved to recommit with the following instructions: Strike out all that relates to the making or selling of cider.

Mr. Anthony moved to lay the motion, to recommit with instructions, on the table.

The ayes and noes being demanded by Senators Drew and Anthony,



*Those who voted in the affirmative were,*

Messrs. Anthony, Bearrs, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Ensey, Freeland, Hawthorn, Helm, Hendry, Hosbrook, Meeker, Richardson of Spencer, Rugg, Sage, Williams, Wilson, Witherow and Woods—23.

*Those who voted in the negative were,*

Messrs. Alexander, Barnett, Brookshire, Brown, Drew, Glazebrook, Griggs, Harris, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Reynolds, Robinson, Shields, Shook, Slater, Spann, Suit, Tarkington and Vandevanter—23.

There being a tie, the President voted in the affirmative.

So the motion, to recommit with instructions,  
Was laid on the table.

Mr. Drew moved to recommit with the following instructions:  
In the 1st section,

Strike out, "Ale, Porter, Malt Beer, Lager Beer, and all Wines."  
The ayes and noes being demanded by Senators Drew and Slater,

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearrs, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Ensey, Freeland, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Meeker, Robinson, Rugg, Sage, Shields, Suit, Vandevanter, Williams, Wilson, Witherow and Woods—29.

*Those who voted in the negative were,*

Messrs. Alexander, Barnett, Brookshire, Drew, Glazebrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Reynolds, Richardson of Spencer, Shook, Slater, Spann and Tarkington—18.

So the motion to recommit with instructions,  
Was laid on the table.

Mr. Anthony moved the previous question,  
Which was seconded by the Senate.

The question then being, shall the main question be now put?  
Which was agreed to.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Ensey, Freeland, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Madison, Meeker, Reynolds, Robinson, Rugg, Sage, Suit, Vandevanter, Williams, Wilson, With-  
erow and Woods—29.

*Those who voted in the negative, were,*

Messrs. Alexander, Barnett, Brookshire, Brown, Drew, Glazebrook, Hostetler, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Richardson of St. Joseph, Richardson of Spencer, Shields, Shook, Slater, Spann, and Tarkington—18.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

A message from the House, by Mr. Levering, their clerk:

**MR. PRESIDENT:**

I am directed by the House to inform the Senate that the House has passed the following engrossed bills of the Senate:

No. 95. A bill to fix the time of holding the court of common pleas in the counties of Laporte, Porter and Lake.

Also,

Senate bill No. 41. A bill providing for official notice of the time when the Statutes of this State are in force.

On motion by Mr. Hawthorn,  
The Senate adjourned.

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WEDNESDAY MORNING, 9 o'clock, }  
February 7th, 1855. }

The Senate met.

The journal of yesterday was read.

Mr. Reynolds moved to reconsider the vote on the passage of the temperance bill,  
Which,  
After discussion, was withdrawn.  
When,  
Leave being granted,  
Mr. Suit offered the following resolution :

*Resolved*, That the House of Representatives be respectfully requested to return Senate bill No. 87 to the Senate immediately.

Which was not agreed to.

#### PETITIONS, MEMORIALS, REMONSTRANCES, &C.

By Mr. Suit,

A petition from 105 citizens of the county of Carroll, on the subject of a re-location of the county seat of said county.  
Referred to the committee on Corporations.

By Mr. Robinson,

A petition concerning the location of certain railroad tracks therein named.  
Referred to select committee consisting of Senators Robinson, Brown, and Helm.

By Mr. Richardson of St. Joseph,

A petition from the citizens of South Bend, concerning Insurance Companies.  
Referred to the committee on Corporations.

#### REPORTS FROM COMMITTEES.

Mr. Vandevanter, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred House bill No. 57, entitled "an act supplemental to an act regarding estrays and articles adrift," have had the same under consideration and instructed me to report the same back with the following amendment, viz :

Add to the title of the bill the following words : "and to provide compensation for the appraisement thereof;" and when so amended to recommend its passage.

The report was concurred in, amendment adopted, and the bill ordered to a third reading.

S. J. 18.

## RESOLUTIONS.

On motion by Mr. Spann,

*Resolved*, That the committee on Education be instructed to inquire into the expediency of reporting a bill providing for the appointment of a board of commissioners, whose duty it shall be to take charge of the State's funds now in the possession of the State Bank, (commonly called the trust funds,) as soon as said funds may be refunded to the State, with full power to invest said fund in State stocks, the interest to be paid semi-annually for common school purposes.

On motion by Mr. Williams,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of so amending the act amending an act, "providing for the settlement of decedents estates," approved March 4, 1853, so as to make it conform to the provisions of the constitution.

## BILLS INTRODUCED.

By unanimous consent,  
Mr. Vandevanter introduced

Senate bill No. 107. A bill legalizing the filing of copies of original articles of association of railroad companies, formed in pursuance of an act entitled, "an act to provide for the incorporation of railroad companies," approved May 11, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Rugg introduced

Senate bill No. 108. A bill relating to the reversal of judgments against convicts in the State Prison.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Sage introduced

Senate bill No. 109. A bill to subject the corporate franchises of plank road and turnpike companies to sale on execution.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Tarkington introduced

Senate bill No. 110. A bill to amend "an act for the incor-

poration of insurance companies, defining their powers and prescribing their duties, approved June 17, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Woods introduced,

Senate bill No. 111. A bill for the incorporation of high schools, academies, colleges, universities, theological institutions and missionary boards.

Which was read a first time, and passed to a second reading.

Mr. Hostetler, chairman of the committee on Enrolled Bills, made the following report:

**MR. PRESIDENT :**

The committee on Enrolled Bills have compared the enrolled with the engrossed copy of Senate bill No. 41, "A bill providing for official notice of the time when the Statutes of this State are in force."

Also,

Senate bill No. 95, "An act to fix the time of holding the courts of common pleas in the counties of Laporte, Porter and Lake ;"

And find the same correctly enrolled.

On motion by Mr. Richardson, of St. Joseph,  
The Senate adjourned.

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2 o'clock P. M.

The Senate met.

Leave being granted,

On motion by Mr. Hendry,

*Resolved*, That the Doorkeeper be directed to call upon the Treasurer for funds with which to provide George W. Chapman, the newly qualified Senator with the number of postage stamps that have been provided for other Senators.

Leave being granted,

Mr. Slater, chairman of the committee on Federal Relations, made the following report:

**MR. PRESIDENT :**

The committee on Federal Relations to whom was referred so much of the Governor's message as relates to colonization, have instructed me to report the following bill and recommend its passage :



No. 112. A bill appropriating \$5,000 per annum for the purpose of African colonization, and to give additional powers to the State Board of Colonization.

Which was read a first time, and passed to a second reading.

Leave being granted,

Mr. Griggs presented a memorial from J. W. Cummins on the subject of the "three per cent. fund."

Referred to a select committee consisting of Senators Griggs, Cravens and Witherow.

On motion by Mr. Anthony,

Senate bill No. 29. "A bill to provide for the organization of railroad companies,"

Was taken from the table and read a third time.

Mr. Hostetler moved to recommit the bill with the following instructions:

To amend the bill so that the Board of Directors shall give at least sixty days notice in a newspaper printed in each county through which their road runs, and if no newspaper is printed in such county, then by posting up printed hand bills in three or more public places in the county along the line of such road, giving the time and place where the books shall be opened for such preferred stock, and provided further that the original stockholders shall have preference to take such stock, either by converting their stock into such preferred stock or by subscribing for the same in proportion to the amount of stock held by each within the time of publication, on such terms as a majority of the stockholders may agree upon.

Mr. Harris moved to amend the instructions by striking out section 20.

Which was not agreed to.

Mr. Shook moved to amend Mr. Hostetler's instructions as follows:

Amend by adding at the end of section 20, *Provided*, that nothing in this act shall be construed to affect in any manner whatever, by the issuing of preferred stock or otherwise, the interest the State has in the Madison and Indianapolis railroad company,

Which was not agreed to.

Mr. Witherow moved to amend Mr. Hostetler's instructions as follows:

Strike out so much of the bill as requires mortgages to be recorded in the office of the Secretary of State, and provide for recording the same in the recorders offices in which the lands lie,

Which was agreed to.

The question then recurring on recommitting the bill with the original instructions, as amended,

It was agreed to and the bill recommitted.



On motion by Mr. Anthony,

Senate bill No. 23. "A bill to provide for clearing out and straightening the channel of, and for draining the lands adjoining to the Kankakee river, and setting apart certain swamp lands, and the proceeds thereof, for that purpose,"

Was taken from the table.

The bill was ordered to be engrossed,

When,

On motion by Mr. Anthony,

The bill was considered as engrossed, and read a third time,

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Brown, Burke, Crane, Drew, Ensey, Freeland, Hawthorn, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, Richardson of St. Joseph, Robinson, Rugg, Sage, Shields, Shook, Slater, Tarkington, Vandevanter, Wilson, and Woods—24.

*Those who voted in the negative were,*

Messrs. Alexander, Bearss, Brookshire, Combs, Cutshaw, Glazebrook, Griggs, Helm, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of Spencer, Suit, Tarkington and Witherow—17.

So the bill did not pass for want of a constitutional majority.

*Senate Bills on Second Reading.*

No. 102. A bill to provide for public peace and private security, and to prevent conspiracies and combinations interfering with the free enjoyment of religious rights of citizens and prescribing the punishment therefor,

Was read a second time, and

On motion by Mr. Slater,

Referred to the committee on the Judiciary.

No. 103. A bill to amend section 19 of an act for the government of the Indiana Hospital for the insane and the care of the insane of Indiana, approved January 15, 1852,

Was read a second time, and

On motion by Mr. Freeland,

Referred to the committee on benevolent institutions.

No. 104. A bill to provide for the sale under execution or order of sale of any house or other building belonging to the defendant but situated on land not owned by him,

Was read a second time, and

On motion by Mr. Richardson, of Spencer,  
Referred to the committee on the Judiciary.

On motion by Mr. Witherow,

Senate bill No. 93. A bill to establish a bank with branches,

Was taken from the table, and

On motion by Mr. Witherow,  
Referred to the committee on Banks.

No. 105. A bill to enlarge the jurisdiction of the courts of common pleas, in cases in which property is, or may be attached,  
Was read a second time, and ordered to be engrossed.

No. 106. A bill requiring swamp land commissioners to give bond,

Was read a second time, and  
Ordered to be engrossed.

### *Senate Bills on Third Reading.*

No. 55. A bill to regulate the title of all those who purchased swamp lands of the United States, after the date of the donation, and before the selection of the swamp lands by the State of Indiana, and to authorize the State to refund the excess where said purchaser paid over one dollar and twenty-five cents per acre,

Was read a third time, and

The question being, shall the bill pass?

### *Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brown, Burke, Chapman, Combs, Crane, Crouse, Ensey, Harris, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Richardson of Spencer, Rugg, Shields, Slater, Spann, Suit, Tarkington, Vandevanter and Woods—29.

### *Those who voted in the negative were,*

Messrs. Bearss, Brookshire, Cutshaw, Freeland, Glazebrook, Hostetler, Mathes, Meeker, Richardson of St. Joseph, Sage, Shook, Wilson and Witherow—13.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 75. A bill to provide for the punishment of negligence, carelessness and misconduct of the operators and agents of railroad companies, and for the punishment of persons who shall negligently and recklessly leave open any fence, gate or bars, of railroad companies in this State,

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Crouse, Cutshaw, Drew, Ensey, Glazebrook, Harris, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightly, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Williams, Wilson, Witherow and Woods—42.

Messrs. Alexander, Griggs and Hawthorn, voting in the negative—3.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 76. A bill to amend sec. 3d of an act entitled "an act for the regulation of weights and measures," approved June 9, 1852,

Was read a third time; and,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Crane, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightly, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Slater, Spann, Suit, Tarkington, Vandevanter, Williams, Wilson, Witherow and Woods—44.

Mr. Combs voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 85. A bill to enable railroad companies to dissolve,

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hentry, Hosbsook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Tarkington, Vandevanter, Williams, Wilson, and Witherow—45.

**No Senator voting in the negative.**

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Leave being granted,

Mr. Shook, from the committee on Corporations made the following report :

**MR. PRESIDENT :**

The committee on Corporations to whom was recommitted Senate bill No. 29, "a bill to provide for the organization of railroad companies," with instructions, have had the same under consideration, and have instructed me to report the same back with the following amendment to Section 20:

*Provided*, that sixty days notice shall be given in some newspaper printed in each county through which such road may run, (if any be there published) of a meeting of the stockholders of such company, for the purpose of determining whether a preferred stock shall or shall not be issued, and, *Provided further*, that the original stockholders, if their place of residence be known, shall be personally notified of the resolution or determination to issue a preferred stock, and they shall have a priority over other persons in taking said preferred stock, on terms proposed by said company, and shall have sixty days in which to elect whether they will take such preferred stock or not, and in case such original stockholders shall desire to take such preferred stock, it shall be divided among them in proportion to the amount of original stock held by them.

Also, amend section 43, as follows: In line 4 strike out the words "their real estate or of," and strike out all the balance of the section after the word "State," in line 7.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Brookshire, Brown, Burke, Combs, Crane, Crouse, Cutshaw, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Mansfield, Meeker, Parker, Richardson of Spencer, Rugg, Suit, Vandevanter, Wilson, Witherow and Woods—29.

*Those who voted in the negative were,*

Messrs. Alexander, Bearss, Chapman, Drew, Jackson of Madison, Kightley, McCleary, Mathes, Richardson of St. Joseph, Robinson, Sage, Shook, Slater, Spann and Williams—15.

So the bill passed.

On motion by Mr. Anthony,

The title of the bill was amended as follows: add "and government of railroad companies, and in relation to existing railroad companies."

On motion by Mr. Brown,

The vote just taken on the passage of Senate bill No. 29,  
Was reconsidered.

Mr. Robinson moved to recommit the bill to the Committee on Corporations, with the following instructions:

Add to section 22, as follows: "*Provided*, that no railroad company shall mortgage their said road as provided in this section without the consent of a majority of the stockholders of such company."

On motion by Mr. Spann,

The bill and instructions were laid on the table.

A message from the Governor, by Mr. King, the executive messenger:

**MR. PRESIDENT:**

I am directed by the Governor to inform the Senate that he has approved and signed the following bills, to-wit:

No. 41 An act providing for official notice of the time when the statutes of the State are in force:

No. 95. An act to fix the time of holding the Courts of Common Pleas in the counties of Laporte, Porter and Lake.

Which bills originated in the Senate.

A message from the House, by Mr. Levering, their clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate, that the Speaker has signed enrolled joint resolution of the



House No. 7, and enrolled bill of the House No. 40, which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

A message from the House, by Mr. Levering, their clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate, that the Speaker has signed the following enrolled bills of the House, to-wit: Nos. 38, 43, 46, and 71, which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

On motion by Mr. Glazebrook,  
The Senate adjourned.

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THURSDAY MORNING, 9 o'clock, }  
February 8th, 1855. }

The Senate met.

The Journal of yesterday was read.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Suit:

A petition from 59 ladies of the county of Clinton on the subject of temperance;

Was referred to the committee on Temperance.

By Mr. Anthony:

A petition from the property holders and business men of Laporte, on the subject of insurance companies;

Referred to the committee on Corporations.



## REPORTS FROM COMMITTEES.

Mr. Slater, chairman of the committee on Federal Relations, made the following report:

## MR. PRESIDENT :

The committee on Federal Relations to whom was referred the communication of the Society of Friends in Great Britain and Ireland, on the subject of the African Slave Trade, presents the following resolution on that subject:

*Resolved*, That the communication of the Society of Friends in Great Britain and Ireland, on the subject of the African Slave Trade, be referred to Rev. J. Mitchell, Corresponding Secretary of the State Board of Colonization, to be answered by him in a respectful manner, and that he be instructed to forward said answer, together with a copy of the joint resolution of the General Assembly of 1852, "on the subject of the Slave Trade," to the secretary of the yearly meeting of said society.

The report was concurred in, and the resolution agreed to.

## BILLS INTRODUCED.

By unanimous consent,  
Mr. Harris introduced,

Senate bill No. 113. A bill to provide the mode of trial, forming the issues, taking depositions, and right to challenge to jurors, in suits involving the descent of real estate; the distribution of personal property, moneys or choses in action of an intestate, when there are defendants claiming adverse interest, and to regulate the practice, as between such defendants, and in such cases.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Jackson of Tipton, introduced

Senate bill No. 114. A bill to provide for the erection of houses of refuge for juvenile offenders in the State of Indiana, and the appointment of trustees to manage the same.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Bearss introduced,

Senate bill No. 115. A bill to prevent the defalcation of certain officers therein named, and to provide penalties therefor.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Witherow introduced,

Senate bill No. 116. A bill to legalize transactions had under the Revised Statutes of A. D. 1852, and the acts of A. D. 1853, before the same became in force.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Vandevanter introduced

Senate bill No. 117. A bill requiring payment or tender to be made of taxes and penalty with interest thereon, before suit brought to recover possession of lands sold for taxes, from any person claiming the same under the tax title deed made by the auditor, and repealing all laws in conflict therewith.

Which was read a first time, and passed to a second reading.

Leave being granted,  
Mr. Richardson of Spencer, from the committee on Finance, made the following report:

MR. PRESIDENT :

The committee on finance, to whom was referred Senate bill No. 101, a bill to provide compensation to the judges of the supreme and circuit courts, amendatory to the law on that subject, have had the same under consideration, and have instructed me to report the same back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

By unanimous consent,  
Mr. Tarkington, introduced

Senate bill No. 118. A bill to provide for the appraisement of real property, and prescribing the duties of officers in relation thereto.

Which was read a first time.

Mr. Tarkington moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes were taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Helm, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Richardson of St. Joseph, Richardson of Spencer,

Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Williams, Wilson, Witherow and Woods—42.

Mr. Hawthorn voting in the negative—1.

So the rules were suspended and the bill was read a second time by its title,

When,

On motion by Mr. Drew,

The bill was laid on the table, and 200 copies ordered to be printed for the use of the Senate.

By unanimous consent

Mr. Jackson of Tipton, introduced

Senate bill No. 119. A bill to provide for the appointment of commissioners to select and purchase ground upon which to erect a House of Refuge for juvenile offenders, and the erection and management of the same.

Was read a first time, and passed to a second reading.

On motion by Mr. Rugg,

The vote concurring in engrossed amendment of the House to engrossed bill of the Senate,

No. 35. A bill creating the twelfth judicial circuit, providing for the election of a judge thereof, fixing the times of holding courts therein, providing for the appointment of a judge to fill the vacancy therein declared, regulating the return of process, &c., and providing for the prosecution of the pleas of the State therein,

Was reconsidered.

The question being on concurring in the amendment,

On motion by Mr. Burke,

The bill and pending amendment, was referred to the committee on organization of courts.

A message from the House, by Mr. Levering their clerk :

MR. PRESIDENT :

I am instructed by the House to inform the Senate, that the House has passed the following engrossed bill of the Senate :

Senate bill No. 40. A bill for extending the terms of circuit courts by adjournment, when the pending business shall be unfinished, with the accompanying engrossed amendments of the House.

In which the concurrence of the Senate is respectfully requested.

The engrossed amendments of the House to engrossed bill of the Senate, contained in the foregoing message were concurred in,

*Ordered* That the Secretary inform the House thereof,

Leave being granted,  
Mr. Suit, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred Senate bill No. 98, providing for taking appeals from the court of common pleas, and to legalize appeals heretofore taken, have had the same under consideration, and directed me to report the same back to the Senate, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Leave being granted,

On motion by Mr. Slater,

Senate bill No. 29, a bill to provide for the organization and government of railroad companies, and in relation to existing railroad companies, and pending instructions,

Were taken from the table.

The question pending, being to recommit with the following instructions:

Add to sec. 22, as follows: "*Provided*, that no railroad company shall mortgage their said road as provided in this section, without the consent of a majority of the stockholders of such company."

The bill was so referred.

#### ORDERS OF THE DAY.

##### *Senate Bills on Second Reading.*

No. 107. A bill legalizing the filing of copies of original articles of association of railroad companies, formed in pursuance of an act entitled "an act to provide for the incorporation of railroad companies," approved May 11, 1852,

Was read a second time, and

On motion by Mr. Vandevanter,

Referred to the committee on the Judiciary.

No. 108. A bill relating to the reversal of judgments against convicts in the State Prison,

Was read a second time, and

On motion by Mr. Rugg,

Referred to the committee on the Judiciary.

No. 109. A bill to subject the corporate franchises of plank road and turnpike companies, to sale on execution,

Was read a second time, and

On motion by Mr. Sage,

Referred to the committee on Corporations.

Leave being granted,

On motion by Mr. Slater,

Senate bill No. S6, a bill to authorize the business of banking, and to repeal all former acts on that subject,

Was taken from the table, and

Referred to the committee on Banks.

No. 110. A bill to amend an act entitled "an act for the incorporation of insurance companies, defining their powers, and prescribing their duties," approved June 17th, 1852,

Was read a second time, and

On motion by Richardson of St. Joseph,

Referred to the committee on Corporations.

No. 111. A bill for the incorporation of high schools, academies, colleges, universities, theological institutions and missionary boards,

Was read a second time.

Mr. Woods moved to amend by adding

SEC. —. Any high school, college or university, heretofore incorporated by a special or general law of Indiana, may, by a majority of two-thirds of its board of trustees, surrender its charter, and come under the provisions of this act by a like majority vote; *Provided*, a statement be filed as required in section of this act, but the provisions requiring the division of the endowment fund into shares of stock, shall not apply to such institutions.

On motion by Mr. Woods,

The bill, and pending amendment.

Was referred to the committee on Education.

No. 112. A bill appropriating \$5,000 per annum for the purpose of African colonization, and to give additional powers to the State board of colonization,

Was read a second time, and ordered to be engrossed.

### *Senate Bills on Third Reading.*

No. 105. A bill to enlarge the jurisdiction of the courts of common pleas in cases in which property is, or may be attached,

Was read a third time,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Barnett, Brookshire, Burke, Crouse, Drew, Ensey, Freeland, Glazebrook, Harris, Helm, Hendry, Hosbrook,



Kightley, Mathes, Parker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Slater, Tarkington, Vandevanter, Williams, Wilson, Witherow and Woods—28.

*Those who voted in the negative were,*

Messrs. Anthony, Bearss, Brown, Chapman, Combs, Crane, Cutshaw, Hawthorn, Hostetler, McCleary, Mansfield, Meeker, Shook and Spann—13.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 106. A bill requiring swamp land commissioners to give bond, Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Crouse, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Kightley, McCleary, Mansfield, Mathes, Meeker, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Slater, Spann, Tarkington, Vandevanter, Williams, Wilson, Witherow and Woods—41.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Leave being granted,

On motion by Mr. Griggs,

The vote on the passage of

Senate bill No. 47. A bill amendatory of and supplemental to an act entitled, "an act, to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant," approved May 29th, 1852.

Was reconsidered,

When,

On motion by Mr. Hostetler,

The bill was laid on the table.

*House Bills on Third Reading.*

No. 23. A bill to amend sections 1, 2, and 7, of an act entitled,



"an act to establish and regulate ferries," approved June 17th, 1852, so as to extend to any person, persons, or corporations, who may own or hold by lease, land on any creek or river, the right to have a public ferry, and to prevent a ferry lying in two counties from being assessed with a double tax.

Was read a third time; and,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brown, Burke, Chapman, Combs, Crane, Cravens, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shook, Slater, Tarkington, Williams, Wilson, Witherow and Woods—39.

Mr. Brookshire voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 57. A bill supplemental to an act entitled "an act regarding estrays and articles adrift,

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Tipton, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Slater, Spann, Tarkington, Williams, Wilson, Witherow and Woods—41.

*Those who voted in the negative were,*

Messrs. Cutshaw and Jackson of Madison—2.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Mr. Griggs introduced

Senate bill No. 120. A bill to repeal an act entitled "an act regulating the fees of officers," approved June 16th, 1852.

Mr. Griggs moved to suspend the rules, and read the bill a first time by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Slater, Spann, Tarkington, Vandevanter, Williams, Witherow and Woods—43.

No Senator voting in the negative.

So the rules were suspended, and the bill read a first time by its title.

Mr. Griggs moved to further suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Slater, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—44.

No Senator voting in the negative.

So the rules were suspended, and the bill read a second time by its title, and

On motion by Mr. Griggs,

Referred to the committee on the Judiciary.

Mr. Richardson of St. Joseph, chairman of the committee on corporations, made the following report:

**MR. PRESIDENT:**

The committee on Corporations have had under consideration

Senate bill No. 51, "a bill to prevent injuries and the destruction of life upon railroads and by railroad trains, to provide for the appointment and prescribing the powers and duties of railroad commissioners, and to provide for the licensing of engineers and conductors," and I am directed to report it back without amendment, for the action of the Senate, without any recommendation.

The report was concurred in.

On motion by Mr. Hawthorn,

The bill was laid on the table, and made the special order of the day for two o'clock this afternoon.

Mr. Shook, from the committee on corporations, made the following report:

Mr. PRESIDENT:

The committee on corporations to whom was referred Senate bill No. 29, a bill to provide for the organization of railroad companies, with the following instructions:

Add to Section 22, as follows:

*Provided*, that no railroad company shall mortgage their said road, as provided in this section, without the consent of a majority of the stockholders of such company,

Have had the same under consideration, and directed me to report the same back amended according to instructions.

The report was concurred in.

On motion by Mr. Anthony,

The vote concurring in the report was reconsidered.

On motion by Mr. Anthony,

The vote on recommitting the bill with the instructions of Mr. Robinson, to the committee on Corporations,

Was reconsidered,

When,

Mr. Robinson withdrew his instructions.

By unanimous consent,

On motion by Mr. Robinson,

The bill was amended by adding the following proviso:

*Provided*, that no such mortgages shall be made without the consent of persons owning a majority of the capital stock of such company, exclusive of bonds and mortgages.

By unanimous consent,

On motion by Mr. Shook,

The bill was amended as follows:

Add at the end of Section 20, *Provided*, that nothing in this act shall be construed to affect in any manner the interest the State has in the Madison and Indianapolis railroad company.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Kightley, Meeker, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Spann, Tarkington, Vandevanter, Wilson, Witherow and Woods—36.

*Those who voted in the negative were,*

Messrs. Cutshaw, Helm, Jackson of Madison, McCleary, Mansfield, Mathes, Richardson of St. Joseph, Slater and Williams—9.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

On motion by Mr. Drew,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

The hour having arrived for the consideration of the special order, being

Senate bill No. 51. A bill to prevent injuries and the destruction of life upon railroads and by railroad trains, to provide for the appointment and prescribing the powers and duties of railroad commissioners, and to provide for the licensing of engineers and conductors,

On motion by Mr. Spann,

The bill was referred to a select committee of five.

Messrs. Spann, Shields, Slater, Bearss and Harris, were appointed said committee.

Leave being granted,

Mr. Hendry presented the petition of L. S. Leonard, Recorder of Harrison county, relative to making out a complete or general index of the deeds and mortgages recorded in the various offices in this State.

On motion by Mr. Hendry,  
The petition was referred to the committee on County and Town-  
ship Business.

On motion by Mr. Spann,  
The Senate adjourned.

FRIDAY MORNING, 9 o'clock, }  
February 9th, 1855. }

The Senate met.

The Journal of yesterday was read.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Richardson of St. Joseph:

A remonstrance from the citizens of Starke county, on the subject  
of a division of said county.

Referred to a select committee heretofore appointed on that  
subject.

By Mr. Barnett:

A remonstrance from the citizens of Pulaski, against the organi-  
zation of a new county out of any portion of Pulaski county.

Referred to a select committee heretofore appointed on that sub-  
ject.

#### REPORTS FROM COMMITTEES.

Mr. Richardson of St. Joseph, chairman of the committee on Cor-  
porations, made the following report:

MR PRESIDENT:

The committee on Corporations to whom was referred Senate  
bill No. 109. "A bill to subject the corporate franchises of plank  
road and turnpike companies to sale on execution," have considered  
said bill, and have directed me to report it to the Senate, and recom-  
mend that it may be referred to the committee on the Judiciary—

they ask to be discharged from the further consideration of the subject.

The report was concurred in, and the bill referred to the committee on the Judiciary.

Mr. Richardson of St. Joseph, chairman of the committee on Corporations, made the following report :

**MR. PRESIDENT :**

The committee on Corporations to whom was referred House bill No. 48. "A bill concerning the organization of voluntary associations, and repealing former laws in reference thereto," have considered the same, and I am directed to report it and recommend its passage.

The report was concurred in, and bill ordered to a third reading.

Mr. Cutshaw, chairman of the committee on State Prison, made the following report :

**MR. PRESIDENT :**

The committee on the State Prison have examined the claim of Samuel H. Patterson, for labor and materials furnished for the use of the State, and believing it correct, ask that it be referred to the committee on claims and recommend that it be allowed.

Which,

On motion by Mr. Slater,

Was referred to a select committee of five, consisting of Senators Slater, Shields, Cutshaw, Meeker and Suit.

Mr. Shook, from the committee on Banks, made the following report :

**MR. PRESIDENT :**

The committee on banks, to whom was referred Senate bill No. 80, a bill to authorize the transfer of stocks to the State Bank of Indiana, or to her for the use of a branch, by a failing debtor or other person, when the same becomes necessary to prevent loss, have had the same under consideration, and directed me to report the bill back to the Senate and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Brown, chairman of the committee on Benevolent Institutions, made the following report :



MR. PRESIDENT:

The committee on Benevolent Institutions, to whom was referred Senate bill No. 103, an act for the government of the Indiana Hospital for the Insane, and the care of the Insane of Indiana, have had that subject under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Hawthorn, chairman of a select committee, made the following report :

MR. PRESIDENT:

The select committee, to whom was referred a resolution of the Senate, to enquire into the expediency of reporting a bill, appropriating a sufficient sum of money for the prosecution of General Geological Survey of the State of Indiana, have directed me to report the following bill on that subject :

No. 121. A bill to provide for a Geological, Mineralogical and Agricultural Survey of the State of Indiana.

Which was read a first time, and passed to a second reading.

Mr. Hendry, from the committee on the Judiciary, made the following report :

MR. PRESIDENT:

The Judiciary committee, to whom was referred House bill No. 83, a bill to amend an act entitled "an act providing for the appointment of Notaries Public, and defining their powers and duties," approved June 9th, 1852, have had the same under consideration, and have directed me to report the same back with the following amendment, and when so amended, to recommend its passage.

Amend as follows: "Notaries Public appointed and qualified as aforesaid, shall have power, and are hereby authorized to solemnize marriages within their respective jurisdiction, and shall be governed in all respects, and be subject to all the penalties and liabilities prescribed in an act, declaratory of the law regulating marriages, and enforcing the provisions thereof by proper penalties," approved March 5th, 1852.

Mr. Shook moved to lay the report and proposed amendment on the table.

The ayes and noes were demanded by Senators Brown and Shook.

*Those who voted in the affirmative were,*

Messrs. Bearss, Combs, Crane, Cravens, Crouse, Ensey, Freeland,

Glazebrook, Helm, Hostetler, Jackson of Tipton, McCleary, Mansfield, Mathes, Meeker, Parker, Rugg, Sage, Shook, Weston, Wilson, and Woods—22.

*Those who voted in the negative were,*

Messrs. Anthony, Brookshire Brown, Chapman, Cutshaw, Drew, Hawthorn, Hendry, Hosbrook, Jackson of Madison, Richardson of St. Joseph, Richardson of Spencer, Robinson, Slater, Spann, Suit, Vandevanter and Witherow—18.

So the report and amendment was laid on the table.

Mr. Witherow, from the committee on the Judiciary, made the following report :

**MR. PRESIDENT:**

The committee on the judiciary, to whom was referred Senate bill No. 94, entitled "an act to repeal 1st, 2d and 3d sections of an act providing for the appointment of Notaries Public, and defining their powers and duties," approved June 9th, 1852, and to provide for the appointment of Notaries Public, and prescribe their qualifications, have had the same under consideration, and have directed me to report the same back, and recommend that it be laid on the table—a House bill on the same subject having been reported to the Senate.

The report was concurred in, and the bill laid on the table.

Mr. Witherow, from the committee on the Judiciary, made the following report :

**MR. PRESIDENT:**

The committee on the judiciary, to whom was referred House bill No. 3, entitled "a bill to prevent the desecration of the Sabbath," have had the same under consideration, and have directed me to report the same back without amendment, and recommend its passage.

The report was concurred in.

On motion by Mr. Suit,

The bill was laid on the table.

Mr. Witherow, from the committee on the Judiciary, made the following report :

**MR. PRESIDENT:**

The committee on the Judiciary to whom was referred House bill No. 8, entitled "a bill to regulate the election of United States Senator," have had the same under consideration, and have instruc-

ted me to report the same back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to a third reading.

Mr. Hendry, from the committee on the Judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred a resolution directing them to report a bill reducing the mileage of Sheriffs, have had the same under consideration, and directed me to report the same back with the recommendation that it be referred to the committee on the organization of courts.

The report was concurred in, and the resolution referred to the committee on the organization of courts.

Mr. Witherow, from the committee on the Judiciary, made the following report :

MR. PRESIDENT :

The committee to whom was referred Senate bill No. 120, have had the same under consideration, and directed me to report the same back and recommend its passage, after the adoption of the following amendment :

Amend by striking out the title and insert, "an act to regulate the fees of officers ; and to repeal an act entitled 'an act regulating the fees of officers,' approved June 16, 1852, and to legalize the fees of officers received or due, under the act amending an act entitled 'an act regulating the fees of officers,' approved March 2d, 1853."

The report was concurred in, amendment adopted, and the bill ordered to be engrossed.

On motion by Mr. Anthony,

The vote concurring in the report of the committee on House bill No. 8, a bill to regulate the election of United States Senators.

Was reconsidered.

When,

On motion by Mr. Slater,

The report was referred to the committee on the judiciary.

On motion by Mr. Suit,

Senate bill No. 50. A bill to provide for the election of United States Senator,

Was taken from the table.

Mr. Suit moved to recommit the bill with the following instructions :

Strike out section 2, and insert the following :

"Such election shall be by the vote of the General Assembly in joint convention, and no person shall be elected Senator unless he receives a majority of all the votes given in such joint convention of the General Assembly.

And the result of such voting shall be compared by the Secretary of the Senate, and the clerk of the House of Representatives, with the assistance of the President of the Senate and Speaker of the House of Representatives, in open session, of such joint convention ; and if no choice is made after five days voting, the same may be adjourned by a majority vote, to a day not more remote than within five days of the probable close of the session of the General Assembly ; when said voting shall be again proceeded in until a choice is made, which result shall be duly certified to the Governor, who shall give the person a certificate under the seal of the State.

Amend section 4, 1st line, by striking out the word "exist," and inserting the word "occur."

Mr. Vandevanter offered the following amendment to the instructions :

Amend instructions so as to require a majority of all the members elected to the General Assembly, for the election of United States Senators.

Which was accepted by Mr. Suit.

Mr. Alexander moved to lay the instructions on the table.

The ayes and noes were demanded by Senators Vandevanter and Suit.

*Those who vo'ed in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, 'Cutshaw, Drew, Glazebrook, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shields, Shook, Slater, Spann, and Tarkington—25.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Chapman, Combs, Crane, Cravens, Crouse, Freeland, Griggs, Helm, Hendry, Meeker, Parker, Robinson, Sage, Suit, Vandevanter, Weston, Williams, Wilson, Witherow, and Woods—22.

So the instructions were laid on the table.

The question being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brookshire, Cutshaw, Drew, Glazebrook, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jack-

son of Tipton, Kightley, McCleary, Mansfield, Mathes, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shields, Shook, Slater, Spann and Tarkington—24.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Chapman, Combs, Crane, Cravens, Crouse, Freeland, Griggs, Helm, Hendry, Meeker, Parker, Robinson, Sage, Smit, Vandevanter, Weston, Williams, Wil-on, Witherow and Woods—22.

So the bill did not pass for want of a constitutional majority.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. McCleary introduced,

Senate bill No. 122. A bill extending relief to the borrowers of the sinking fund, saline, bank tax, surplus revenue, and congressional township fund.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Drew introduced,

Senate bill No. 123. A bill to confirm the title to real estate, in cases where the ancestors were naturalized citizens of the United States, and citizens of the State.

Which was read a first time and passed to a second reading.

Leave being granted,

Mr. Rugg, chairman of the committee on the Organization of Courts, made the following report:

MR. PRESIDENT:

The committee on the organization of Courts, to whom was re-committed bill of Senate No. 35, as amended in the House, entitled "An act creating the twelfth judicial circuit, providing for the election of a judge thereof, fixing the time of holding courts therein—providing for the appointment of a judge to fill the vacancy therein declared, regulating the return of process, &c., and providing for the prosecution of the pleas of the State therein," have had the same under consideration, and have directed me to report the same back without additional amendment, and respectfully recommend the Senate to concur in the amendment of the House.



The question being on concurring in the engrossed amendment of the House,

Mr. Slater moved that the Senate adjourn.

Which was not agreed to.

On motion by Mr. Slater,

A call of the Senate was ordered.

The Secretary proceeded with the call, when the following Senators answered to their names:

Messrs. Alexander, Anthony, Bearss, Brookshire, Brown, Burke, Chapman, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—46.

Mr. Glazebrook moved to adjourn.

Which was not agreed to.

On motion by Mr. Vandevanter,

A further call of the Senate was suspended.

Mr. Slater moved to lay the bill and pending amendment on the table.

The ayes and nays being demanded by Senators Slater and Glazebrook.

*Those who voted in the affirmative were,*

Messrs. Brookshire and Spann—2.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Bearss, Brown, Burke, Chapman, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—41.

So the bill and pending amendment was not laid on the table.

Mr. Slater moved to reconsider the vote just taken,

The ayes and noes being demanded by Senators Slater and Glazebrook,

No Senator voted in the affirmative.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Bearss, Burke, Chapman, Crane,



Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—41.

So the vote was not reconsidered.

Mr. Slater moved the Senate adjourn,

Which was not agreed to.

Mr. Slater moved to lay the bill and pending amendment on the table.

The ayes and noes being demanded by Senators Slater and Glazebrook,

*Those who voted in the affirmative were,*

Messrs. Slater and Spann—2.

*Those who voted in the negative were,*

Messrs. Alexander, Bearss, Burke, Chapman, Crane, Cravens, Crouse, Cutshaw, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Mansfield, Mathes, Meeker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shields, Shook, Suit, Tarkington, Weston, Williams, Wilson, Witherow and Woods—32.

So the bill and pending amendment were not laid on the table.

Mr. Slater moved that the Senate adjourn,

Which was not agreed to.

Mr. Slater moved that the Senate adjourn,

Which was not agreed to.

Mr. Burke moved the previous question,

Which was seconded by the Senate.

Mr. Slater moved to lay the call for the previous question on the table,

Which was not agreed to.

Mr. Slater moved that the Senate adjourn,

Which was not agreed to.

The question being, shall the main question be now put,

On motion by Mr. Slater,

A call of the Senate was ordered.

When,

On motion by Mr. Slater,

The Senate adjourned.

2 o'clock P. M.

The Senate met.

The question pending at adjournment being a call of the Senate,  
The Secretary proceeded with the call, when the following Senators answered to their names:

Messrs. Alexander, Anthony, Bearss, Brookshire, Brown, Chapman, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—44.

On motion by Mr. Robinson,  
The further call was suspended.  
The question then being,  
"Shall the main question be now put?"

It was agreed to.

The main question being on concurring in the engrossed amendment of the House to engrossed bill of the Senate, No. 35,  
The ayes and noes were demanded by Senators Slater and Drew.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Bearss, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Kightley, Meeker, Parker, Robinson, Rugg, Sage, Shields, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow, and Woods—33.

*Those who voted in the negative were,*

Messrs. Glazebrook, Hostetler, Jackson of Madison, McCleary, Mansfield, Mathes, Richardson of St. Joseph, Richardson of Spencer, Shook, Slater, and Spann—11.

So the amendment was concurred in.

*Ordered,* That the Secretary inform the House thereof.

On motion by Mr. Anthony,  
The vote by which,

Senate bill No. 23. A bill to provide for cleaning out and straightening of, and for draining the lands adjoining to the Kankakee river, and setting apart certain swamp lands and the proceeds thereof, for that purpose,

Was lost for want of a constitutional majority, was reconsidered. The question being. shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Brown, Burke, Crane, Crouse, Cutshaw, Ensey, Hawthorn, Hendry, Hosbrook, Jackson of Madison, Richardson of St. Joseph, Robinson, Rugg, Sage, Shields, Slater, Tarkington, Vandevanter, Williams, Wilson and Woods—22.

*Those who voted in the negative were,*

Messrs. Alexander, Barnett, Bearss, Chapman, Combs, Cravens, Glazebrook, Griggs, Helm, Hostetler, McCleary, Mansfield, Mathes, Meeker, Parker, Richard on of Spencer, Shook, Spann, Suit, Weston, and Witherow—21.

So the bill did not pass for want of a constitutional majority.

On motion by Mr. Brown,

Leave of absence was granted to the select committee on the affairs of the State Bank, for this afternoon.

#### ORDERS OF THE DAY.

#### *Senate Bills on Second Reading.*

No. 113. A bill to provide the mode of trial, forming the issues, taking depositions, and right of challenge to jurors, in suits involving the descent of real estate, or the distribution of personal property, moneys, or choses in action of an intestate, where there are defendants claiming adverse interest, and to regulate the practice as between said defendants and in such cases,

Was read a second time, and

On motion by Mr. Hendry,

Referred to the committee on the judiciary.

No. 114. A bill to provide for the erection of Houses of Refuge for juvenile offenders in the State of Indiana, and the appointment of Trustees to manage the same,

Was read a second time.

Mr. Helm offered the following amendment:

Amend by adding, "the Auditor, Secretary and Treasurer of State, or a majority of them shall appoint."

On motion by Mr. Jackson of Tipton,

The bill and pending amendment was laid on the table, and 200 copies ordered to be printed.

No. 115. A bill to prevent the defalcation of certain officers therein named, and to provide penalties therefor,

Was read a second time, and ordered to be engrossed.

No. 116. A bill to legalize transactions had under the Revised Statutes of 1852, and the acts of 1853, before the same became in force,

Was read a second time, and

On motion by Mr. Wilson,

Referred to the committee on the Judiciary.

No. 117. A bill requiring payment or tender to be made of taxes, and penalty with interest thereon, before suit brought to recover possession of lands sold for taxes, from any person claiming the same under a tax title deed made by the Auditor, and repealing all laws in conflict therewith,

Was read a second time, and

On motion by Mr. Vandevanter,

Referred to the committee on the Judiciary.

No. 119. A bill to provide for the appointment of commissioners, to select and purchase grounds, upon which to erect a House of Refuge for juvenile offenders, and the erection and management of the same,

Was read a second time, and ordered to be engrossed.

Leave being granted,

Mr. Anthony introduced

Senate bill No. 124. A bill extending the admissibility of records in evidence,

Which was read a first time and passed to a second reading.

### *Senate Bills on Third Reading.*

No. 98. A bill to regulate the taking of appeals from the court of common pleas, and to legalize appeals heretofore taken,

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Chapman, Combs, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightly, McCleary, Mansfield, Mathes,

Richardson of St. Joseph, Rugg, Sage, Shook, Suit, Tarkington, Weston, Witherow and Woods—35.

Messrs. Parker and Robinson voting in the negative—2.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Leave of absence was granted Mr. Sage, until Wednesday next.

No. 101. A bill to provide compensation to the Judges of the Supreme and circuit courts, amendatory to the law on that subject, Was read a third time, and

On motion by Mr. Alexander,  
Laid on the table.

No. 112. A bill appropriating \$5,000 per annum, for the purpose of colonization, and to give additional power to the State board of colonization,

Was read a third time; and,

On motion by Mr. Tarkington,  
Laid on the table.

By unanimous consent,  
Mr. Kightley introduced

No. 125. A bill to amend section 21 of an act entitled "an act to incorporate the Franklin and White river turnpike company. Which was read a first time and passed to a second reading

By unanimous consent  
Mr. Anthony introduced

Senate bill No. 126. A bill to quiet the titles to real estate. Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Witherow introduced

Senate bill No. 127. A bill defining the duties and fees of Notaries Public in the case of protest of the notes of suspended banks.

Which was read a first time and passed to a second reading.

On motion by Mr. Wilson,

*Resolved*, That the committee on printing be instructed to inquire into the expediency of printing and binding in the same volume with the acts of the present session, all such laws and acts of the session of 1853, as have not been declared unconstitutional.



On motion by Mr. Spann,

*Resolved*, That one thousand additional copies of the Auditor's report be printed for the use of the Senate.

Mr. Hostetler, chairman of the committee on enrolled bills, made the following report:

**MR. PRESIDENT:**

The committee on enrolled bills have compared the enrolled with the engrossed copy of Senate bill No. 40, a bill providing for extending the terms of circuit courts by adjournment, when the pending business shall be unfinished.

Also,

Bill No. 35, an act creating the 12th and 13th judicial circuits, and providing for the election of judges thereof.

On motion by Mr. Ensey,  
The Senate adjourned.

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SATURDAY MORNING, 9 o'clock, }  
February 10, 1855. }

The Senate met.

The Journal of yesterday was read.

#### REPORTS FROM COMMITTEES.

Mr. Hendry, from the committee on the judiciary, made the following report:

**MR. PRESIDENT:**

The judiciary committee to whom was referred Senate bill No. 104, a bill to provide for the sale, under execution or order of sale, of any house or other building belonging to the defendant, but situated on land not owned by him, have had the same under consideration, and directed me to report the same back, with the following amendment to the title thereof:



Amend by adding to the title, "and to provide for the purchase by landlords of such buildings, and to prohibit the collection of rent in certain cases," and when so amended, to recommend its passage.

The report was concurred in, amendments adopted, and ordered to be engrossed.

Mr. Vandevanter, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate bill No. 99, a bill to amend Section 211 of an act, entitled "an act to revise, simplify, and abridge the rules of practice, pleadings, and forms in civil cases in the courts of this State," have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Anthony, chairman of the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred Senate bill No. 42, "a bill to enable parties to convey lands, tenements and hereditaments, held adversely, and to give validity to contracts heretofore made therefor, and to enable vendees to recover possession thereof," have had the same under consideration, and have directed me to report it back, amended by adding :

SEC. 2. No person shall have the benefit of the provisions of this act, against any one who has been in the adverse possession of such land twelve years prior to the possession thereof, or who claims the same through any person or persons whose adverse possession, including that of the person against whom such action is or may be brought, shall be twelve years prior hereto : and no action shall be maintained against such person so in such adverse possession, by such vendor or vendors, vendee or vendees, after such sale or conveyance, and when so amended, recommend its passage.

The report was concurred in, amendments adopted, and the bill ordered to be engrossed.

Mr. McCleary, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the Judiciary to whom was referred Senate bill No. 34, "a bill to provide for the election of U. S. Senator, and

for the appointment of a person to fill any vacancy in said office," have had the same under consideration, and have directed me to report it back and recommend that it be laid on the table.

The report was concurred in, and the bill laid on the table.

Mr. McCleary, from the committee on the Judiciary, made the following report :

MR. PRESIDENT :

The committee on the Judiciary to whom was referred Senate bill No. 109, "a bill to subject the corporate franchises of plank road and turnpike companies to sale on executions," have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Tarkington, chairman of the committee on Education, made the following report :

MR. PRESIDENT :

The committee on Education to whom was referred that portion of the Governor's message which related to the common school system, and sundry petitions and resolutions of the Senate upon the same subject, have had the same under mature consideration, and after long and thorough investigation, have directed me to report the accompanying bill and recommend its passage :

No. 128. A bill to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith, and to repeal all former acts inconsistent therewith.

Mr. Tarkington moved to suspend the rules and read the bill a first time now by its title,

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brown, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Hendry, Hosbrook, Hostetler, Jackson of Madison, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of Spencer, Robinson, Shook, Slater, Tarkington, Wilson and Witherow—34.

No Senator voting in the negative.

So the rules were suspended and the bill read a first time by its title.

Mr. Tarkington moved to further suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Bearss, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of Spencer, Robinson, Rugg, Shook, Slater, Tarkington, Weston, Williams, Wilson, Witherow, and Woods—38.

No Senator voting in the negative.

So the rules were suspended, and the bill read a second time by its title.

On motion by Mr. Tarkington,

The bill was laid on the table and 500 copies ordered to be printed.

#### RESOLUTIONS.

On motion by Mr. Drew,

*Resolved*, That the committee on Finance be instructed to report a bill authorizing the Auditor of State to divide the Indiana State bonds into amounts of one hundred dollars, as circumstances may require.

Mr. Rugg offered the following resolution :

*Resolved*, That three thousand of the ten thousand copies of the annual report of the superintendent of public instruction which have been ordered by the Senate, be placed at the disposal of the superintendent of public instruction.

Which was not agreed to.

Leave being granted,

Mr. Drew, from the committee on Corporations, made the following report :

MR. PRESIDENT:

The committee on corporations to whom was referred Senate bill No. 67, have had the same under consideration, and directed me to

report it back, and recommend that it be made the special order in committee of the whole on Tuesday next, at 2 o'clock.

The report was concurred in, and the bill made the special order for the time specified.

#### BILLS INTRODUCED.

By unanimous consent  
Mr. Kightley introduced

Senate bill 129. A bill to amend section 2 of an act prescribing and defining the powers and duties of constables,  
Which was read a first time and passed to a second reading.

By unanimous consent  
Mr. Crouse introduced.

Senate bill No. 130. A bill to authorize the returns of settlements of decedents estates, guardianships, petitions to sell land, and all other matters that have been transferred from the common pleas court on account of the judges of said court of common pleas being interested, back to said common pleas court,  
Was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Witherow introduced,

Senate bill No. 131. A bill to amend section 11 of "an act for the more uniform mode of doing township business," approved May 6th, 1852, and to repeal section 18 of the same act.  
Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

##### *Senate Bills on Second Reading.*

No. 121. A bill to provide for the geological, minerological and agricultural survey of the State of Indiana.  
Was read a second time and ordered to be engrossed.

No. 122. A bill extending relief to the borrowers of the sinking fund, Saline bank tax, surplus revenue, and congressional township fund,  
Was read a second time, and  
On motion by Mr. Brown,  
Referred to the committee on Education.

No. 123. A bill to confer title to real estate in cases where the ancestors were naturalized citizens of the United States, and citizens of this State,

Was read a second time, and

On motion by Mr. Hendry,

Referred to the committee on the Judiciary.

Senate bill No. 124. A bill extending the admissability of records in evidence,

Was read a second time, and

On motion by Mr. Hendry,

Referred to the committee on the judiciary.

No. 125. A bill to amend section 21 of an act, entitled "an act to incorporate the Franklin and White river turnpike company,"  
Was read a second time and ordered to be engrossed.

No. 126. A bill to quiet title to real estate,

Was read a second time, and

On motion by Mr. Hendry,

Referred to the committee on the Judiciary.

No. 127. A bill defining the duties and fees of notaries public, in the case of protest of the notes of suspended banks,  
Was read a second time and ordered to be engrossed.

*Senate bills on their Third Reading.*

No. 80. A bill to authorize the transfer of the stocks to the State Bank of Indiana, or to her for the use of a branch, by a failing debtor or other person, when the same becomes necessary to prevent loss,

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barnett, Bearss, Brookshire, Chapman, Combs, Crane, Freeland, Griggs, Hostetler, Kightley, McCleary, Mansfield, Reynolds, Shook, Tarkington, Vandevanter, Weston, Wilson, Withrow, and Woods—20.

*Those who voted in the negative were,*

Messrs. Anthony, Brown, Burke, Crouse, Cutshaw, Drew, Glazebrook, Helm, Hendry, Hosbrook, Mathes, Meeker, Parker, Richardson of Spencer, Robinson, Rugg, Slater, and Williams—19.

So the bill did not pass.



On motion by Mr. Hosbrook,  
The vote by which the bill was lost, was reconsidered.  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Barnett, Bearss, Brookshire, Combs, Crane, Cravens, Cutshaw, Ensey, Freeland, Hosbrook, Hostetler, Kightley, McCleary, Mansfield, Reynolds, Rugg, Shook, Tarkington, Vandevanter, Weston, Wilson, Witherow, and Woods—24.

*Those who voted in the negative, were,*

Messrs. Brown, Burke, Chapman, Crouse, Drew, Glazebrook, Griggs, Helm, Hendry, Mathes, Meeker, Parker, Richardson of Spencer, Slater, and Williams—15.

So the bill did not pass for want of a constitutional majority.

No. 115. A bill to prevent the defalcation of certain officers therein named, and to provide penalties therefor,

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Helm, Hosbrook, Hostetler, Kightley, Mansfield, Mathes, Meeker, Reynolds, Richardson of Spencer, Robinson, Rugg, Shook, Vandevanter, Weston, Wilson, Witherow and Woods—30.

*Those who voted in the negative were,*

Messrs. Anthony, Barnett, Brookshire, Brown, Burke, McCleary, Slater, Tarkington, and Williams—9.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 119. A bill to provide for the appointment of commissioners to select and purchase grounds upon which to erect a house of refuge for juvenile offenders, and the erection and management of the same,

Was read a third time, and

On motion by Mr. Cravens,

Was laid on the table.



No. 120. A bill to regulate the fees of officers, and to repeal an act, entitled "an act regulating the fees of officers, approved June 16, 1852, and to legalize the fees of officers received or due, under an act amending "an act regulating the fees of officers," approved March 2, 1852,

Was read a third time; and,

On motion by Mr. Hawthorn,

The vote ordering the bill to be engrossed,

Was reconsidered.

When,

On motion by Mr. Richardson of Spencer,

The bill was made the special order of the day for Wednesday next, at 2 o'clock P. M., in committee of the Whole.

Leave being granted,

On motion by Mr. Hosbrook,

*Resolved*, That when the Senate adjourn, it adjourn to meet on Monday at 2 o'clock.

### *House Bills on Third Reading.*

No. 48. A bill recommending the organization of voluntary associations, and repealing former laws in reference thereto,

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Kightley, Mathes, Meeker, Parker, Robinson Rugg, Shook, Vandevanter, Weston, Witherow and Woods—30.

*Those who voted in the negative were,*

Messrs. Anthony, Hostetler, Mansfield, Reynolds, Richardson of Spencer and Tarkington—6.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 83. A bill to amend an act, entitled "an act providing for the appointment of Notaries Public, and defining their powers and duties," approved June 9th, 1852,

Was read a third time,

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Barnett, Bearss, Brookshire, Burke, Chapman, Combs, Crane, Cravens, Cutshaw, Drew, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of Spencer, Robinson, Rugg, Shook, Slater, Tarkington, Vandevanter, Weston, Wilson and Witherow—36.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

A message from the House by Mr. Levering, their clerk :

**MR. PRESIDENT :**

I am directed by the House to inform the Senate, that the House has passed the following engrossed bills thereof :

House bill No. 94. A bill to amend the 41st section of an act entitled "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant," approved May 29th, 1852. Also,

House bill No. 122. A bill to amend the 9th sec. of an act regarding estrays and articles adrift, approved June 16th, 1852, so as to entitle justices to receive mileage in making returns of sale." Also,

House joint resolution No. 4. A joint resolution upon the subject of lands and increase of pensions for military services.

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 94 and 122, and House joint resolution No. 4, contained in the foregoing message, were each read a first time, and passed to a second reading.

Leave being granted,

Mr. Slater presented a petition from James Nesbit and Henry Pierce, concerning their pay for capturing a murderer.

Referred to the committee on claims.

On motion by Mr. Slater,

The Senate adjourned.

MONDAY, 2 o'clock, P. M. }  
February 12th, 1855. }

The Senate met.

The Journal of Saturday was read.

#### PETITIONS, MEMORIALS, REMONSTRANCES.

By Mr. Woods,

A petition from sundry citizens of Clark county, asking for the passage of a general law, providing for the removal and re-location of county seats.

Referred to the committee on Corporations.

#### REPORTS FROM COMMITTEES.

Mr. Shook, chairman of the committee on county and township business, made the following report:

MR. PRESIDENT:

The committee on county and township business, to whom was referred Senate bill No. 62, a bill to amend the 11th section of an act, entitled "an act for the more uniform mode of doing township business," approved May 6, 1852, have had the same under consideration, and directed me to report the same back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Meeker, from the committee on county and township business, made the following report:

MR. PRESIDENT:

The committee on county and township business, to whom was referred House bill No. 19, entitled a bill to amend the first and fourth sections of an act, entitled "an act authorizing Recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals," approved February 16, 1852, have had the same under consideration, and have directed me to report the same back to the Senate and recommend that the sections be numbered 1, 2, 3 and 4, that the words "*Be it enacted by the General Assembly of the State of Indiana,*" in the 2nd section be

stricken out, and that the word "*its*" be stricken out of the 1st line of section 3, and the word "*the*" inserted instead thereof, and that after the word completion in the 1st line of section 3, the words "*of such indexes*" be inserted, and when said bill is so amended they recommend its passage.

The report was concurred in, amendments adopted, and the bill ordered to be engrossed.

Mr. Richardson of Spencer, from the committee on county and township business, made the following report:

**MR. PRESIDENT:**

The committee on county and township business to whom was referred Senate resolution No. 21, instructing the committee to enquire into the expediency of providing by law for the collection of taxes by township collectors, have had the same under consideration, and have instructed me to report that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration of the same.

Which report was concurred in.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Drew introduced

Senate bill No. 132, a bill relative to the assessment of damages against railroad companies,

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

##### *Senate Bills on Second Reading.*

No. 129. A bill to amend section 2, of an act entitled "an act prescribing and defining the powers and duties of constables," approved May 27th, 1852,

Was read a second time, and

On motion by Mr. Spann,

Referred to the committee on the Judiciary.

No. 130. A bill to authorize the re-transfer of settlements of decedents estates, guardianships, petitions to sell land, and all other matters that have been transferred from the common pleas courts to the circuit courts on account of the judges of said common pleas being interested, back to said common pleas courts,

Was read a second time

On motion by Mr. Crouse,

Referred to the committee on the Judiciary.

No. 131. A bill to amend section 11, of "an act for the more uniform mode of doing township business," approved May 6th, 1852, and to repeal section 18 of the same act,

Was read a second time, and

On motion by Mr. Spann,

Referred to the committee on the judiciary.

### *House Bills on Second Reading.*

No. 94. A bill to amend the 41st section of an act, entitled "an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant," approved May 29th, 1852,

Was read a second time.

On motion by Mr. Hawthorn,

Referred to the committee on swamp lands.

No. 122. A bill to amend the 9th section of an act regarding estrays and articles adrift, approved June 16th, 1852, so as to enable justices to receive mileage in making returns of sale,

Was read a second time, and

On motion by Mr. Spann,

Referred to the committee on the Judiciary.

### *House Joint Resolution on Second Reading.*

No. 4. A joint resolution upon the subject of lands, and increase of pensions for military services,

Was read a second time, and

On motion by Mr. Glazebrook,

Referred to the committee on Military Affairs.

### *Senate Bills on Third Reading.*

No. 42. A bill to enable parties to convey lands, tenements and hereditaments held adversely, and to give validity to contracts heretofore made therefor, and to enable vendees to recover possession thereof,

Was read a third time; and,

The question being, shall the bill pass?



*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Chapman, Crane, Cravens, Crouse, Freeland, Hawthorn, Hendry, Hosbrook, Jackson of Madison, Mansfield, Reynolds, Richardson of Spencer, Robinson, Shields, Tarkington, Witherow and Woods—19.

*Those who voted in the negative were,*

Messrs. Bearss, Brown, Combs, Cutshaw, Drew, Glazebrook, Griggs, Helm, Hostetler, Jackson of Tipton, Kightley, Mathes, Meeker, Rugg, Shook, Spann, Vandevanter, Williams, and Wilson—20.

So the bill did not pass.

No. 99. A bill to amend sec. 211 of an act, entitled "an act to revise, simplify and abridge the rules of practice, pleadings and forms, in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, on the subject of limitations of civil actions,

Was read a third time; and,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barnett, Brown, Chapman, Crane, Cravens, Crouse, Cutshaw, Drew, Freeland, Glazebrook, Griggs, Hawthorn, Helm, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Reynolds, Richardson of Spencer, Robinson, Shook, Tarkington, Wilson, Witherow and Woods—28.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Bearss, Brookshire, Combs, Hendry, Meeker, Parker, Rugg, Shields, Spann, Vandevanter, Weston and Williams—14.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 103. A bill to amend sec. 19 of an act for the government of the Indiana Hospital for the Insane of Indiana, approved Jan. 15th, 1852,

Was read a third time, and

The question being, shall the bill pass?



*Those who voted in the affirmative were,*

Messrs. Alexander, Barnett, Bearss, Brookshire, Brown, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Freeland, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Hostetter, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of Spencer, Robinson, Rugg, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—38.

Messrs. Shields, Shook and Spann, voting in the negative—3.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 104. A bill to provide for the sale under execution or order of sale, of any house or other building belonging to the defendant, but situated on land not owned by him, and to provide for the purchase by landlords of such buildings, and to prohibit the collection of rents in certain cases,

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brookshire, Brown, Chapman, Combs, Crane, Crouse, Cutshaw, Drew, Glazebrook, Helm, Hendry, Hosbrook, Hostetter, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of Spencer, Robinson, Shook, Vandevanter, Weston, Wilson, Witherow and Woods—31.

*Those who voted in the negative were,*

Messrs. Barnett, Bearss, Griggs, Hawthorn, Rugg, Shields, Spann, Tarkington and Williams—9.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 109. A bill to subject the corporate franchises of plank road and turnpike companies, to sale on execution,

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Chap-

man, Combs, Crane, Crouse, Cutshaw, Drew, Glazebrook, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Mansfield, Mathes, Reynolds, Richardson of Spencer, Robinson, Rugg, Shook, Tarkington, Weston, Wilson, Witherow and Woods—29.

*Those who voted in the negative were,*

Messrs. Bearss, Cravens, Griggs, Hawthorn, Helm, Kightley, Meeker, Shields, Spann, and Williams—10.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 121. A bill to provide for a geological, minerological, and agricultural survey of the State of Indiana.

Was read a third time.

Mr. Helm moved to recommit the bill with the following instructions:

To amend by adding the auditor, secretary, and treasurer of State, or a majority of them, shall appoint.

Which was not agreed to.

Mr. Hawthorn moved to fill the 1st blank by inserting \$5,00.

Which was not agreed to.

Mr. Spann moved to fill the blank by inserting \$3,00.

Which was not agreed to.

Mr. Hawthorn, moved to fill the blank by inserting \$4,50.

Which was agreed to.

Mr. Hawthorn moved to fill the second blank by inserting \$3.

Mr. Woods moved to fill the blank by inserting \$4,50.

Which was agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brown, Combs, Crane, Cravens, Crouse, Drew, Hawthorn, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Reynolds, Richardson of Spencer, Tarkington, Vandevanter, Wilson, Witherow and Woods—20.

*Those who voted in the negative were,*

Messrs. Bearss, Brookshire, Chapman, Cutshaw, Glazebrook, Griggs, Helm, Hendry, Hosbrook, Mansfield, Mathes, Meeker, Parker, Robinson, Rugg, Shields, Shook, Spann, Weston and Williams—20.

There being a tie, the President voted in the affirmative.

So the bill did not pass for want of a constitutional majority.

No. 125. A bill to amend section 21 of an act, entitled "an act to incorporate the Franklin and White River turnpike company,  
 Was read a third time; and,  
 The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brown, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Reynolds, Richardson of Spencer, Rugg, Shields, Shook, Tarkington, Vandevanter, Williams, Wilson, Witherow and Woods.—33.

*Those who voted in the negative were,*

Messrs. Brookshire, Glazebrook, Hawthorn, Robinson, and Weston—5.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 127. A bill defining the duties and fees of notaries public in the case of protest of the notes of suspended banks,  
 Was read a third time.  
 The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Bearss, Brookshire, Brown, Chapman, Combs, Crane, Crouse, Cutshaw, Drew, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Reynolds, Richardson of Spencer, Robinson, Rugg, Shields, Shook, Spann, Tarkington, Weston, Williams, Wilson, Witherow and Woods—37.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

On motion by Mr. Brown,  
 Leave of absence was granted to the principal doorkeeper for two days.

Mr. Drew, from the committee on county and township business, made the following report:

**MR. PRESIDENT :**

The committee on county and township business, to whom was referred Senate resolution inquiring into the propriety of fixing the commencement of the terms of office of certain county officers, have had the same under consideration, and have instructed me to report the following bill and to recommend its passage.

No. 133. A bill to fix the commencement of the terms of certain county officers, and to render the same uniform.

Which was read a first time and passed to a second reading.

On motion by Mr. Hostetler,

*Resolved*, That the House of Representatives be requested to return to the Senate, Senate bill No. 115. A bill to prevent the defalcation of certain officers therein named, and prescribing the penalty therefor.

A message from the House, by Mr. Levering, their clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the Speaker has signed enrolled bills of the House Nos. 11, 48 and 83, and brings the same to the Senate for the signature of the President thereof,

Whereupon, the President signed the same.

A message from the House, by Mr. Levering, their clerk :

**MR. PRESIDENT :**

I am directed by the House to inform the Senate that the House has concurred in the engrossed amendment of the Senate to the title of House bill No. 57, entitled "an act supplemental to an act regarding estrays and articles adrift."

A message from the House, by Mr. Levering, their Clerk :

**MR. PRESIDENT :**

I am directed by the House to inform the Senate that the House have passed (without amendment) engrossed bill of the Senate No. 87, entitled "a bill to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance."

A message from the Governor, by Mr. King, the executive messenger:

**MR. PRESIDENT:**

I am directed by the Governor to inform the Senate that he has approved and signed the following bill, to-wit:

No. 35. An act creating the twelfth and thirteenth judicial circuits, and providing for the election of judges thereof,  
Which bill originated in the Senate.

A message from the House, by Mr. Levering, their clerk:

**MR. PRESIDENT:**

I am directed by the House to inform the Senate that the Speaker has signed the following enrolled bill of the House:

No. 23. An act to amend sections 1, 2 and 7 of "an act to establish and regulate ferries," approved June 17th, 1852, so as to extend to any person or persons, or corporation, who may own or hold by lease, land on any creek or river the right to have a public ferry, and to prevent a ferry lying in two counties from being assessed with a double tax,

And to bring the same to the Senate for the signature of the President thereof;

hereupon,

The President signed the same.

On motion by Mr. Brown,  
The Senate adjourned.

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**TUESDAY MORNING, 9 o'clock, }**  
**February 13th, 1855.**

The Senate met.

The journal of yesterday was read.



PETITIONS, MEMORIALS, AND REMONSTRANCES.

By Mr. Glazebrook,

A claim from Delany R. Eckles for services rendered to the State.  
Referred to the committee on claims.

REPORTS FROM COMMITTEES.

Mr. Suit, from the committee on the Judiciary, made the following report :

MR. PRESIDENT :

The committee on the Judiciary, to whom was referred House bill No. 8, "a bill to regulate the election of United States Senator," have had the same under consideration, and have directed me to report it back, amended by striking out in the first section the word "present" where it occurs in the fifteenth line, and insert in lieu thereof "elected to said General Assembly," and also strike out the word "present" where it occurs in last line of first section, and insert in lieu thereof "elected to said General Assembly," and when so amended they submit it to the further action of the Senate.

The report was concurred in and amendments adopted.

When,

On motion by Mr. Brown,  
The bill was laid on the table.

On motion by Mr. Richardson of Spencer,

*Resolved*, That the Doorkeeper be authorized to purchase a Thermometer for the use of the Senate chamber.

On motion by Mr. Barnett,

*Resolved*, That the committee on swamp lands be instructed to enquire whether any additional legislation is necessary for the better security of the funds arising from the sales of swamp lands in the hands of county treasurers, and to report by bill or otherwise.

ORDERS OF THE DAY.

*Senate Bills on Second Reading.*

No. 132. A bill relative to the assessment of damages against railroad companies,  
Was read a second time, and



On motion by Mr. Spann,  
Referred to the committee on Corporations.

No. 133. A bill to fix the commencement of the terms of office of certain county officers, and to render the same uniform,

Was read a second time, and

On motion by Mr. Shook,

Referred to the committee on the Judiciary.

### *Senate Bills on Third Reading.*

No. 62. A bill to amend the 11th section of an act, entitled "an act for the more uniform mode of doing township business," approved May 6th, 1852,

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Richardson of Spencer, Robinson, Rugg, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—42.

No Senator voting in the negative.

So the bill passed.

On motion by Mr. Witherow,  
The vote on the passage of Senate bill No. 62,  
Was reconsidered.

On motion by Mr. Witherow,  
The vote by which Senate bill No. 62, was ordered to be engrossed,

Was reconsidered.

On motion by Mr. Witherow,  
The bill was referred to the committee on county and township business.

### *House Bills on Third Reading.*

No. 19. A bill to amend the first and fourth sections of an act entitled "an act authorizing recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals," approved Feb. 16th, 1852,

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Richardson of Spencer, Robinson, Rugg, Shields, Shook, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson and Witherow—40.

Mr. Glazebrook voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

On motion by Mr. Slater,

Senate bill No. 112. A bill appropriating \$5,000 per annum, for the purpose of colonization, and to give additional power to the State Board of Colonization,

Was taken from the table.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Brookshire, Brown, Combs, Crane, Cravens, Drew, Ensey, Freeland, Glazebrook, Hawthorn, Helm, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Meeker, Richardson of Spencer, Rugg, Shields, Shook, Slater, Spann, Suit, Vandevanter, Weston, Wilson, Witherow, and Woods—31.

*Those who voted in the negative were,*

Messrs. Bearrs, Burke, Chapman, Cutshaw, Griggs, Hendry, Hosbrook, Mathes, Robinson, Tarkington and Williams—11.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Mr. Spann, chairman of the committee on Military Affairs, made the following report :

**MR. PRESIDENT :**

The committee on Military Affairs, to whom was referred House joint resolution No. 4, on the subject of lands, and increase of pension for military services, have had the same under consideration,

and have directed me as chairman, to report the same to the Senate without amendment, and recommend the passage of said joint resolution.

The report was concurred in, and the joint resolution ordered to a third reading.

On motion by Mr. Spann,

*Resolved*, That the State Printer be directed to include in the Documentary Journal of this session, the report of the auditor and treasurer for the year 1854.

On motion by Mr. Hawthorn,  
The vote by which

Senate bill No. 42. A bill to enable parties to convey lands, tenements, and hereditaments held adversely, and to give validity to contracts heretofore made therefor, and to enable vendees to recover possession thereof,

Was lost on its passage,  
Was reconsidered.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brown, Burke, Chapman, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Glazebrook, Hawthorn, Hendry, Hosbrook, Mathes, Parker, Reynolds, Richardson of Spencer, Robinson, Suit, Weston, Wilson, Witherow and Woods  
—26.

*Those who voted in the negative were,*

Messrs. Brookshire, Combs, Freeland, Griggs, Helm, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Meek, er, Rugg, Shields, Shook, Spann, Tarkington, Vandevanter, and Williams—18.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Mr. Freeland moved to re-take the vote by which,

Senate bill No. 121. A bill to provide for a geological, minerological, and agricultural survey of the State of Indiana.

Was lost for want of a constitutional majority,  
Which was agreed to.

Mr. Shields moved to recommit the bill with the following instructions:

Strike out \$4,50 for the principal, and insert \$5,00;

Also,

Strike out \$4,50 for the assistant and insert \$4,00.

Mr. Rugg moved to amend the instructions by fixing the salary of the principal at \$2,000 per annum.

Which was accepted by Mr. Shields.

Mr. Jackson of Tipton, moved to amend the instructions by adding as follows:

Sec. — be amended to read as follows: "That the Governor is hereby authorized to appoint David Dale Owen, as State Geologist, &c., and that five thousand dollars is hereby appropriated to defray the expenses, &c.

Which was accepted by Mr. Shields.

Mr. Shook moved to indefinitely postpone the bill and pending instructions.

The ayes and noes being demanded by Senators Shook and Glazebrook.

*Those who voted in the affirmative were,*

Messrs. Bearss, Brookshire, Chapman, Glazebrook, Helm, Hendry, Mansfield, Mathes, Meeker, Robinson, Shook, Slater, Spann, Suit, and Weston—14.

*Those who voted in the negative were,*

Messrs. Anthony, Barnett, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Griggs, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Parker, Reynolds, Richardson of Spencer, Rugg, Shields, Vandevanter, Wilson, Witherow and Woods—28.

So the bill and pending instructions were not indefinitely postponed.

On motion by Mr. Spann,

The vote ordering the bill to be engrossed,

Was reconsidered.

On motion by Mr. Spann,

The bill was recommitted to the select committee heretofore appointed on that subject.

The pending instructions being withdrawn.

On motion by Mr. Tarkington,

Senate bill No. 101. A bill to provide compensation for the judges of the Supreme and Circuit courts, amendatory to the law on that subject,

Was taken from the table.

Mr. Spann moved to recommit the bill to the committee on Finance, with the following instructions:

Strike out "1300," and insert "1000," for State Superintendent of Public Instruction.

Mr. Freeland moved to amend the instructions, by "making salaries of prosecuting attorneys in circuit courts, \$500."

Mr. Bearss moved to amend the instructions by adding the following section:

"Allowing to District prosecuting attorneys, a salary of \$300 per annum."

Which was not agreed to.

Mr. Hawthorn moved to amend the instructions as follows:

"Strike out \$150 for Chaplain of the State Prison, and insert \$800 per annum."

Mr. Slater moved to lay the amendment on the table.

The ayes and noes were demanded by Senators Hawthorn and Slater.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Brookshire, Brown, Burke, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Helm, Hendry, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Reynolds, Richardson of Spencer, Robinson, Rugg, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson and Woods—39.

*Those who voted in the negative were,*

Messrs. Bearss, Chapman, Combs, Hawthorn and Witherow—5.

So the amendment was laid on the table.

The question then recurring on the adoption of the amendment offered by Mr. Freeland,

It was disagreed to.

The question then being, on recommitting with the instructions offered by Mr. Spann,

The ayes and noes were demanded by Senators Spann and Shook.

*Those who voted in the affirmative were,*

Messrs. Barnett, Chapman, Cutshaw, Drew, Glazebrook, Hendry, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Reynolds, Richardson of Spencer, Shields, Shook, Slater, Spann, Tarkington, Weston and Williams—22.



*Those who voted in the negative were,*

Messrs. Bearss, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Ensey, Freeland, Griggs, Hawthorn, Helm, Parker, Robinson, Rugg, Suit, Vandevanter, Wilson, Witherow, and Woods—21.

So the bill was recommitted with the instructions.

On motion by Mr. Slater,  
The Senate adjourned.

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2 o'clock P. M.

The Senate met.

Leave being granted,

Mr. Parker presented a memorial from Messrs. Morehead, Hall & Co., on the subject of labor to be done, and material furnished on the Wabash and Erie Canal, and asking an appropriation therefor.

Referred to the committee on Claims.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am instructed by the House to inform the Senate, that the House has passed the following engrossed bill of the Senate :

Senate bill No. 21. A bill to adjust the Gibson seminary township claim, and for quieting the title of Indiana University, to the State University Fund, with the accompanying engrossed amendments of the House.

In which the concurrence of the Senate is respectfully requested.

Mr. Freeland moved to concur in the engrossed amendments of the House to engrossed bill of the Senate No. 21, contained in the foregoing message.

The ayes and noes were demanded by Senators Griggs and Suit.

*Those who voted in the affirmative were,*

Messrs. Anthony, Brown, Burke, Combs, Crane, Drew, Ensey, Freeland, Glazebrook, Hosbrook, Hostetler, Jackson of Madison, Kightley, McCleary, Reynolds, Rugg, Shields, Slater, Spann, Tarkington and Woods—21.



*Those who voted in the negative were,*

Messrs. Barnett, Bearss, Brookshire, Chapman, Crouse, Cutshaw, Griggs, Hawthorn, Jackson of Tipton, Mansfield, Mathes, Meeker, Parker, Robinson, Shook, Suit, Vandevanter, Weston, Williams, Wilson and Witherow—21.

There being a tie, the President gave the casting vote in the affirmative.

So the engrossed amendments were concurred in.

*Ordered*, That the Secretary inform the House thereof,

The hour having arrived, according to previous order, the Senate resolved itself into committee of the Whole on

Senate bill No. 67. A bill to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities,

Mr. Spann in the chair.

After having spent some time in the consideration of the bill, the committee rose, and made the following report by their chairman:

MR. PRESIDENT:

The committee of the Whole, to whom was referred Senate bill No. 67, have had the same under consideration, and would report the same back with sundry amendments, and ask to be discharged from the further consideration thereof, and recommend the passage of the bill.

Section 9, line 8, strike out "*two years*."

Strike out from the word "*wards*" in the 11th line and insert "and shall hold their offices one year."

*Amend* by striking out of the second line of the 9th section the words "street commissioners and marshal."

*Amend* by striking out the word "*two*" from the 1st line of section 9, and inserting the word "*one*."

Section 18, line 22, strike out "except that in cases where the Mayor has exclusive jurisdiction, no change of venue shall be allowed."

Section 18, line 30, strike out after "provided" "such salary shall in no case be less than 200 dollars per year."

Insert after the first letter in the second line of 30th section the words "marshal, and if they deem it advisable a street commissioner and clerk,"

Section 35, add in line 62, "but they shall not authorize the removal and deposit of the same to the annoyance of any body." Line 92, add "but not within any street, unless laid out or set apart for that purpose."

Section 36, add the following: "But no nuisance shall be deposited so as to annoy or injure the health and comfort of any person."

Section 42, line 7, before "*Mule*" insert "*white*," in line 8, same section, strike out all after "*therein*."

Section 44, line 3, after "given" insert "by publication in a newspaper printed and published in said city."

Strike out 56th section. The treasurer shall be entitled to such allowance as may be made him by the common council, *provided*, however, that such allowance shall not be less than the county treasurer receives for like services.

Section 58, line 3, strike out "three-fourths" and insert "a majority" in lieu thereof; same line, after "resident" insert "property."

Section 68, line 9, after "improvements" insert "mentioned in section 66, where the block fronting the street or alley has been sub-divided into two lots or owned by two or more persons in severalty, or where two or more dwelling houses are standing thereon."

Line 11, strike out "hereinafter" and insert "herein."

Amend line 62 of section 69, strike out one year and insert 2 years.

Section 84, add the following: "But no tax shall be assessed or collected by the city thereon, or upon, or out of such property, or the owner thereof, which has been heretofore or may be hereafter annexed as to any parcels of the property in any manner annexed exceeding three acres which is used for gardening or farming purposes, or upon any personal property there situate, *Provided*, that the owners of such property, consent to such annexation."

Amend section 91: No action pending in any court under the act hereby repealed in favor or against any city shall be affected by the repeal of said act and that said suit or suits shall be prosecuted as if this act had not been passed.

Amend by adding

Section —. That no member of the common council shall become contractors for any work or labor to be done, or for the furnishing of materials unless no competition or bids are offered by others after due notice shall be given.

Section 93. In consequence of an emergency which is hereby declared to exist, this act shall take effect and be in force and govern all cities which shall have heretofore adopted the acts which are hereby repealed from and after its passage and publication in the Indiana Journal and Indiana Sentinel.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Anthony, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred Senate bill No. 130, "an act to authorize the re-transfer of settlements of dece-

dent's estates, guardianships, petitions to sell land, and all other matters that have been transferred from the common pleas court to the circuit courts, on account of the judges of said common pleas being interested, back to said common pleas courts," have had the same under consideration, and directed me to report the same back to the Senate, without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

By unanimous consent,

Mr. Griggs introduced

Senate bill No. 134. A bill to repeal section fifty, chapter ten, of an act entitled "an act providing for the settlement of decedent's estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved Jan. 17, 1852.

Which was read a first time and passed to a second reading.

Mr. Mansfield, chairman of the committee on roads, made the following report :

MR. PRESIDENT :

The committee on roads, to whom was referred bill No. 61, have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Hostetter, chairman of the committee on Enrolled Bills, made the following report :

MR. PRESIDENT :

The committee on Enrolled Bills have compared the enrolled with the engrossed copy of Senate bill No. 21, "a bill to adjust the Gibson Township claim, and providing for the payment of the judgment of the Vincennes University against the State, by issuing State bonds therefor," and find the same correctly enrolled.

A message from the House, by Mr. Levering, their clerk:

MR. PRESIDENT :

I am directed by the House to inform the Senate, that the Speaker of the House has signed enrolled bill of the Senate No. 21, and to send the same to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

A message from the Governor by Mr. King, Executive messenger :

**MR. PRESIDENT :**

I am directed by the Governor to inform the Senate, that he has approved and signed the following bill, to-wit :

No. 40. An act providing for extending the terms of circuit courts by adjournment, when the pending business shall be unfinished.

Which bill originated in the Senate.

A message from the Governor by Mr. King, Executive messenger.

**MR. PRESIDENT :**

I am directed by the Governor to inform the Senate that he has approved and signed the following bill, to-wit :

No. 21. An act to adjust the Gibson Township claim, and providing for the payment of the judgment of the Vincennes University against the State, by issuing State Bonds therefor.

Which bill originated in the Senate.

Mr. Witherow, from the committee on the judiciary, made the following report :

**MR. PRESIDENT :**

The committee on the judiciary, to whom was referred Senate bill No. 131, entitled "an act to amend Sec. 11 of an act for the more uniform mode of doing township business, approved May 4th, 1852, and to repeal Sec. 18 of the same act," have instructed me to report the same back agreeably to a resolution of the Senate.

The report was concurred in.

When,

On motion by Mr. Witherow,

The bill was referred to the committee on county and township business.

On motion by Mr. Reynolds,

The Senate adjourned.

WEDNESDAY MORNING, 9 o'clock, }  
February 14th, 1855. }

The Senate met.

The Journal of yesterday was read.

#### RESOLUTIONS.

On motion by Mr. Shook,

*Resolved*, That the Auditor of State report at his earliest convenience, the amount of bills issued and bonds surrendered, since he came into office. Also, the amount of free bank paper in circulation, and the amount of bonds deposited for the redemption of the same.

On motion by Mr. Hendry,

*Resolved*, That the committee on swamp lands be instructed to enquire whether further legislation is not necessary to compel swamp land commissioners to make out and file reports as contemplated by the 21st and 22d sections of the act of May 29th, 1852, on that subject, and report by bill or otherwise.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Griggs introduced

Senate bill No. 135. An act to suspend an act entitled an act to adjust the Gibson township claim, and providing for the payment of judgment of the Vincennes university against the State, by issuing bonds therefor, approved February 13, 1855.

Which was read a first time,

Mr. Tarkington moved to reject the bill,

The ayes and noes being demanded by Senators Suit and Griggs,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brown, Burke, Combs, Crane, Drew, Ensey, Freeland, Glazebrook, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Reynolds, Rugg, Shields, Slater, Spann, Tarkington and Woods—24.



*Those who voted in the negative were,*

Messrs. Barnett, Bearss, Brookshire, Chapman, Cravens, Cutshaw, Griggs, Harris, Helm, Hendry, Mansfield, Mathes, Meeker, Parker, Richardson of Spencer, Robinson, Shook, Suit, Vandevanter, Weston, Wilson and Witherow—22.

So the bill was rejected.

By unanimous consent,  
Mr. Drew introduced

Senate bill No. 136, A bill to provide for the surrender and exchange of the certificates of stock of the State of Indiana,  
Which was read a first time, and passed to a second reading.

By unanimous consent,  
Mr. Drew introduced,

Senate bill No. 137. A bill to legalize the acknowledgment of all deeds and mortgages, and other instruments required to be recorded, taken and certified by the clerks of the circuit courts of this State, after the reception of the revised statutes of 1852, in their respective counties,

Was read a first time and passed to a second reading.

On motion by Mr. Drew,

The vote by which Senate bill No. 67, "a bill to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities," was ordered to be engrossed,

Was reconsidered.

On motion by Mr. Drew,

The bill was referred to a select committee of seven,  
Messrs. Drew, Rugg, Slater, Crouse, Crane, Cravens, and Woods were appointed said committee.

#### ORDERS OF THE DAY.

#### *Senate Bills on Second Reading.*

No. 134. A bill to repeal section 50, chapter 10, of an act entitled "an act providing for the settlement of decedents estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852,

Was read a second time, and

On motion by Mr. Anthony,  
Referred to the committee on the Judiciary.



*Senate Bills on Third Reading.*

No. 61. A bill to amend the 20th and 30th sections of an act entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto," approved January 18th, 1852.

Was read a third time,

Mr. Brookshire moved to re-commit the bill to the committee on roads, with instructions to amend as follows:

By striking out the words "seventy-five cents" and inserting "one dollar."

Mr. Slater moved to lay the motion to re-commit the bill to the committee on roads with instructions, on the table,

The ayes and noes being demanded by Senators Brookshire and Bearss,

*Those who voted in the affirmative were,*

Messrs. Crane, Cravens, Ensey, McCleary, Mansfield, Mathes, Shields, Shook, Slater, Spann, Vandevanter, Wilson and Witherow—13.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Burke, Chapman, Combs, Cutshaw, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Hendry, Jackson of Madison, Kightley, Meeker, Parker, Richardson of Spencer, Robinson, Rugg, Suit and Weston—24.

So the motion to recommit with instructions,

Was not laid on the table.

The question then recurring on the original proposition to recommit with instructions,

It was agreed to.

No. 130. A bill to authorize the re-transfer of settlements of decedent's estates, guardianships, petitions to sell land, and all other matters that have been transferred from the common pleas courts to the circuit courts, on account of the judges of said common pleas being interested, back to said common pleas courts.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Burke, Chapman, Combs, Crane, Cravens, Cutshaw, Drew, Freeland, Glaze-

brook, Harris, Hawthorn, Hendry, Hostetler, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of Spencer, Rugg, Shook, Spann, Suit, Vandevanter, Weston, Wilson, and Witherow—34.

No Senator voting in the negative.

So the bili passed.

*Ordered*, That the Secretary inform the House thereof.

*House Joint Resolutions on Third Reading.*

No. 4. A joint resolution upon the subject of lands and increase of pensions for military services,

Was read a third time.

The question then being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Cutslaw, Drew, Ensey, Freeland, Glazebrook, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of Spencer, Robinson, Rugg, Shields, Shook, Slater, Spann, Suit, Vandevanter, Weston, Williams, Wilson and Witherow—42.

No Senator voting in the negative.

So the joint resolution passed.

*Ordered*, That the Secretary inform the House thereof.

A message from the House by Mr. Levering, their Clerk :

MR. PRESIDENT :

I am directed by the House, in compliance with a resolution of the Senate, to return to the Senate the engrossed bill of the Senate No. 115, entitled "a bill to prevent defalcations of certain officers therein named, and to provide penalties therefor."

On motion by Mr. Bearss,

The vote by which Senate bill 115, contained in the foregoing message, was passed,

Was reconsidered, and laid on the table.

A message from the House, by Mr. Levering, their clerk :

**MR. PRESIDENT :**

I am directed by the House to inform the Senate that the House have passed the following engrossed bills thereof :

House bill No. 5. A bill to amend the 65th and 66th sections of an act providing for the settlement of decedent's estates, prescribing the rights, liabilities and duties of officers connected therewith, the management thereof, and the heirs thereto, and certain forms to be used in such settlement, approved June 17th, 1852, and supplemental thereto.

Also,

House bill No. 67. A bill to provide for the confinement of persons insane and dangerous, when suffered to run at large, and for the compensation of any person to whom the custody of such insane person is committed.

Also,

House bill No. 79. A bill to authorize guardians to mortgage the real estate of their wards, to borrow money for their education and maintenance.

Also,

House bill No. 81. A bill to repeal the 10th section of an act entitled "an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof," approved June 11th, 1852.

Also,

House bill No. 87. A bill regulating the fees of officers, and repealing former laws in relation thereto.

Also,

House bill No. 136. A bill to enable cities which have subscribed for stock in companies incorporated to construct works of public utility, under the 56th section of the general act for the incorporation of cities to ratify the same.

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 67, 79, 81, and 136, contained in the foregoing message, were each read a first time and passed to a second reading.

Mr. Cravens moved to suspend the rules, and read House bill No. 87, contained in the foregoing message, a first time by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Kightley, McCleary, Mathes, Meeker, Parker, Richardson of Spencer, Robinson, Rugg, Shook, Slater,

Spann, Suit, Tarkington, Vandevanter, Williams, Wilson and Witherow—39.

No Senator voting in the negative.

So the rules were suspended, and the bill read a first time by its title.

Mr. Cravens moved to further suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of Spencer, Robinson, Rugg, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—43.

Mr. Hendry voting in the negative.

So the rules were suspended, and the bill read a second time by its title, and

On motion by Mr. Cravens,

The bill was then referred to the committee of the whole, and made the special order of business for this evening at 2 o'clock.

House bill No. 5, contained in the foregoing message,

Was read a first time.

Mr. Anthony moved to suspend the rules and read the bill a second time now, by its title.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of Spencer, Robinson, Rugg, Shields, Shook, Slater, Suit, Tarkington, Williams, Wilson, and Witherow —41.

No Senator voting in the negative.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Anthony,  
The bill was referred to the committee on the Judiciary.

A message from the House by Mr. Levering, their clerk :

Mr. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed the following engrossed bills thereof:

House bill No. 77. "A bill to fix the times of holding the courts of common pleas, and the length of the terms thereof, in the several counties of this State, and repealing the former laws in reference thereto."

Also,

House bill No. 105. A bill to amend section twenty-second of an act entitled "an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties," approved June 11th, 1852,

In which the concurrence of the Senate is respectfully requested.

Mr. Bearss moved to suspend the rules and read House bill No. 77, contained in the foregoing message, a first time by its title,  
The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brown, Burke, Chapman, Crane, Cravens, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of Spencer, Robinson, Rugg, Shields, Shook, Tarkington, Williams, Wilson, Witherow and Woods—35.

No Senator voting in the negative.

So the rule was suspended, and the bill read a first time by its title.

Mr. Witherow moved to further suspend the rules and read the bill a second time now by its title,

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brown, Burke, Chapman, Combs, Crane, Cravens, Cutshaw, Drew, Glazebrook, Griggs, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of Spencer, Robinson, Rugg, Shields, Shook, Slater, Spann, Tarkington, Williams, Wilson, Witherow, and Woods—36.



No Senator voted in the negative.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Witherow,

The bill was referred to the committee on the organization of courts.

House bill No. 105, contained in the foregoing message.

Was read a first time and passed to a second reading.

On motion by Mr. Bearss,

Senate bill No. 115. A bill to prevent the defalcation of certain officers therein named, and prescribing penalties therefor,  
Was taken from the table.

By unanimous consent of the Senate,

On motion by Mr. Bearss,

The bill was amended as follows :

Section 1st, line 6, after word "shall" insert the word "fraudulently."

Further amend so as to include agents appointed by the county boards, as contemplated by the act, regulating the liquor traffic.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Mansfield, Mathes, Meeker, Parker, Richardson of Spencer, Shook, Spann, Tarkington, Weston, Wilson, Witherow, and Woods—34.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Mr. McCleary, chairman of the committee on Finance, made the following report :

MR. PRESIDENT :

The committee to whom was referred Senate bill No. 101, "a bill to provide compensation to the Judges of the Supreme and Circuit Courts, amendatory to the law on that subject," which has been committed to them with instructions to strike out thirteen hundred dollars and insert one thousand dollars for services of State Super-



intendent of public instruction, would report in favor of the bill with the correction embraced in the instructions above mentioned, and do recommend its passage as amended.

The report was concurred in.

The question being shall the bill pass?

Pending which,

On motion by Mr. Slater,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

The hour having arrived, according to previous order, the Senate resolved itself into Committee of the Whole on

Senate bill No. 120. "A bill to regulate the fees of officers, and to repeal an act, entitled "an act regulating the fees of officers," approved June 16th, 1852, and to legalize the fees of officers, received or due under the act amending an act, entitled "an act regulating the fees of officers," approved March 2nd, 1852,"

Also, on

House bill No. 87. "A bill regulating the fees of officers, and repealing former laws in relation thereto,"

Mr. Tarkington in the chair.

After having spent some time in the consideration of the bill of the House, the committee rose and made the following report by their chairman:

MR. PRESIDENT:

The committee of the whole, to whom was referred House bill No. 87, have had the same under consideration, and would report the same back with sundry amendments, and ask to be discharged from the further consideration thereof.

The committee recommend that Senate bill No. 120 be laid on the table.

Amend Sec. 8th, 6th line, so as to read:

"Filing each paper except county orders, township orders, road receipts, and papers returned by township assessors, three cents."

Amend Sec. 11th, 9th line:

After the word "perpetuated" insert "at the same time."

Sec. 12, seventh line:

Strike out the words "whether successful or unsuccessful," and insert "when successful."

Sec. 14, twelfth line:

Strike out "25 cents" and insert "50 cents for commitment to prison."

Sec. 15:

Strike out "10 cents" for transfer of judgment, and insert "25 cents."

Sec. 15:

Strike out "25" and insert "50" for every trial.

Sec 16, eighteenth line:

Strike out "75" and insert "50."

Sec. 17, ninth line:

Strike out "one dollar" and insert "75 cents."

Sec. 18, third line:

Strike out "75" and insert "50."

Strike out "12½ cents" where it occurs in the bill and insert "10 cents."

Strike out "6" and "6¼" where they occur in the bill and insert "5 cents."

Sec. 4th, thirty-second line:

Strike out "20 cents" for entering continuance, and insert "10 cents."

Sec. 7, line sixth:

Recorder's fees, strike out "one dollar" and insert "75 cents prepaid."

In twentieth line of Sec. 4:

Strike out "15" and insert "10."

The report was concurred in, amendments adopted and ordered to be engrossed, and the bill ordered to a third reading.

By unanimous consent,  
Mr. Anthony introduced,

Senate bill No. 138. A bill to fix the time of holding courts in the 9th judicial circuit.

Which was read a first time,

Mr. Anthony moved to suspend the rules and read the bill a second time now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Bearss, Brown, Burke, Combs, Crane, Crouse, Drew, Ensey, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Mansfield, Mathes, Meeker, Reynolds, Richard-

son of Spencer, Rugg, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Wilson, Witherow and Woods—36.

No Senator voting in the negative.

So the rules were suspended and the bill read a second time.

The bill was considered as engrossed.

Mr. Anthony moved to further suspend the rules and read the bill a third time now.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Bearss, Brown, Burke, Combs, Crane, Crouse, Cutshaw, Drew, Ensey, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, McCleary, Mansfield, Mathes, Meeker, Reynolds, Richardson of Spencer, Rugg, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Wilson, Witherow and Woods—37.

No Senator voting in the negative.

So the rules were suspended and the bill read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brown, Burke, Combs, Crane, Crouse, Cutshaw, Drew, Ensey, Glazebrook, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, McCleary, Mansfield, Mathes, Meeker, Richardson of Spencer, Rugg, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Wilson, Witherow and Woods—35.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

A message from the House by Mr. Levering their clerk :

MR PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed enrolled bills of the House Nos. 57 and 19, and bring the same to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

Mr. Hostetler, chairman of the committee on Enrolled Bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the enrolled with the engrossed copy of Senate bill No. 87, a bill to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance, and find the same correctly enrolled.

Mr. Hostetler, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills have this day at 2 o'clock P. M., presented to the Governor for his signature, Senate bill No. 87, "a bill to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance."

A message from the House by Mr. Levering, their clerk:

MR. PRESIDENT:

I am directed to inform the Senate that the Speaker of the House has signed enrolled bill of the Senate No. 87, and to bring the same to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

Mr. Hawthorn, from the committee on swamp lands, made the following report:

MR. PRESIDENT:

The committee on swamp lands to whom was referred House bill No. 94, "a bill to amend the 41st section of an act, entitled "an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the conditions of said grant," approved May 29, 1852, have had the same under consideration, and have directed me to report it back, with the following amendments:

Amend by adding section 2,

Section 2. In any case in which any swamp land commissioner may have failed to qualify under the provisions of the 32nd section of the act of the General Assembly to which this is amendatory, the acts of such commissioner are hereby legalized so far as money has been drawn by or through his authority for the payment of any work done for the drainage of swamp lands in his county; and any contractor or contractors having performed work under

the authority of such commissioner, he or they shall procure the certificate of the engineer having laid off the same, together with any other evidence sustained by affidavit made before a competent officer to administer the same, which evidence, if satisfactory to the Auditor of State, he shall settle with and pay out of the proper fund to such contractor or contractors at the estimated price of the work, made by such engineer.

Section 3. *Whereas*, at least one swamp land commissioner has failed to qualify according to law, and thereby important improvements are suspended, and innocent individuals prevented from receiving their money for labor performed, it is declared that an emergency exists for the immediate taking effect of this act, and it therefore, shall be in force from and after its publication in the Indiana Journal and State Sentinel.

Amend the title by adding thereto :

And for legalizing certain acts of swamp land commissioners who failed to comply with the provisions of the above recited act,

And when so amended respectfully recommend its passage.

The report was concurred in, amendments adopted and the bill ordered to a third reading.

On motion by Mr. Anthony,  
The Senate adjourned.

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THURSDAY MORNING, 9 o'clock, }  
February 15th, 1855. }

The Senate met.

The journal of yesterday was read.

#### REPORTS FROM COMMITTEES.

Mr. Hendry, from the committee on the Judiciary, made the following report :

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 108, "a bill relating to the reversal of judgments against convicts in the State Prison," have had the same under consideration, and have directed me to report it back without amendment and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Suit, from the committee on the Judiciary, made the following report:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred Senate bill No. 133, a bill to fix the commencement of the terms of certain county officers, and to render the same uniform, have had the same under consideration, and have directed me to report that any legislation on the subject is inexpedient, and recommend that the bill be laid on the table.

The report was concurred in, and the bill laid on the table.

Mr. Vandevanter, from the committee on the Judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 107, a bill legalizing the filing of copies of original articles of association of Railroad companies formed in pursuance of an act entitled an act to provide for the incorporation of railroad companies, approved May 11, 1852, have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Mansfield, chairman of the committee on roads, made the following report:

MR. PRESIDENT:

The committee, to whom was referred Senate bill No. 61, in regard to township trustees being authorized to levy a road tax, have had the same under consideration, and recommend me to report the same back with the following amendment, and recommend its passage.

Strike out "seventy-five per day" and insert "one dollar," wherever the same occurs in said bill.

The report was concurred in, the amendment adopted, and

The question being, shall the bill pass?



*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Harris, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Meeker, Robinson, Sage, Suit, Vandevanter, Weston, Williams, and Woods—32.

*Those who voted in the negative were,*

Messrs. Griggs, Mathes, Richardson of Spencer, Shields, Shook, Spann, Wilson, and Witherow—8.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof

On motion by Mr. Jackson of Tipton,  
The title was amended by adding :  
“ And increase the compensation of labor.”

Mr. Woods, from the committee on State Prison, made the following report :

MR. PRESIDENT :

The committee on the State Prison have instructed me to report the following bill, and recommend its passage :

No. 139. A bill to provide for the election of officers for the State Prison, and for the appraisement of the property at said Prison.

Which was read a first time and passed to a second reading.

Mr. Cutshaw, chairman of the committee on the State Prison, made the following report :

MR. PRESIDENT :

The committee on the State Prison, to whom was referred that part of the Governor's message which relates to the State Prison, have instructed me to report the accompanying bill and recommend its passage :

No. 140. A bill to provide for the government and discipline of the State Prison.

Which was read a first time and passed to a second reading.

Mr. Witherow, from the committee on County and Township Business, made the following report :

**MR. PRESIDENT:**

The committee on county and township business, to whom was referred Senate bill No. 62, entitled "an act to amend the eleventh section of an act for the more uniform mode of doing township business," approved May 6th 1852, have had the same under consideration, and have instructed me to report the same back with the following amendments, and when so amended, recommend its passage:

1st. Amend by adding to the section as amended, the following: "But in case of emergency, the President may call a special meeting of the trustees, by posting up written notices in three public places in the township, at least five days before the meeting, specifying the objects of the same, at which meeting they shall transact no other business than that specified in the notice calling the same, and the concurrence of two of such trustees shall be sufficient for the transaction of business."

2d. Add the following section to the bill:

**SEC. 3.** *Be it further enacted,* That section 18 of the same act, which reads as follows, to-wit,

**SEC. 18.** The trustees shall annually, in the month of February of each year, settle with, and audit the accounts of the treasurer and supervisors of roads in their respective townships; and shall, within fifteen days thereafter, publish a detailed statement of amounts received and expended for township and road purposes during the preceeding year, either by posting up a certified statement thereof at the place of holding elections, or by publishing the same in some public newspaper published in the township,

Be, and the same is hereby amended to read as follows, to-wit:

**SEC. 18.** "The trustees shall annually, at their April meeting, settle with, and audit the accounts of the treasurer and the supervisors of roads in their respective townships; and shall, within fifteen days thereafter, publish a detailed statement of amounts received and expended for township and road purposes during the preceding year, either by posting up a certified statement thereof at the place of holding elections, or by publishing the same in some newspaper published in the township."

3d. Amend the title by inserting after the word "eleventh" in the first line, "and eighteenth."

The report was concurred in, amendments adopted, and the bill ordered to be engrossed.

Mr. Shook, chairman of the committee on county and township business, made the following report:

**MR. PRESIDENT:**

The committee on county and township business, to whom was referred Senate bill No. 131, entitled "an act to amend section 11

of an act for the more uniform mode of doing township business," approved May 6th, 1852, and to repeal section 18 of the same act, have had the same under consideration, and have directed me to report it back, and recommend that it be laid on the table.

The report was concurred in, and the bill laid on the table.

#### RESOLUTIONS.

Mr. Shields offered the following resolution :

*Resolved*, That the House of Representatives be requested to return to this body, Senate bill No. 82. A bill to repeal brokers licence, and to prohibit the establishment of brokers offices in this State.

Which was not agreed to.

Mr. Reynolds offered the following preamble and resolution :

**WHEREAS**, as yet the Senate has not acted upon the bank question in any manner, as expected by the people. **AND WHEREAS**, there has been no subject, upon which we have been called upon to act, that our constituency feel such an interest in, as they do in the action of the legislature upon the subject of banks. **AND WHEREAS**, our constituency will meet us with unwelcome response, if we fail to at least attempt to give relief in some way, to abuses now being perpetrated upon our citizens. **AND WHEREAS**, in view of the above facts, it becomes necessary for the following resolution to be passed :

*Resolved*, That the Senate will make the banking subject the special order of every afternoon, until disposed of in some way.

Which was agreed to.

#### BILLS INTRODUCED.

By-unanimous consent,  
Mr. Witherow introduced

Senate bill No. 141. A bill to amend section 27 of an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto.

Which was read a first time and passed to a second reading.

On motion by Mr. Hawthorn,  
The vote by which

Senate bill No. 47. A bill amendatory of, and supplemental of an act entitled "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the conditions of said grant," approved may 29, 1852.

Was laid on the table.

Was reconsidered.

On motion by Mr. Hawthorn,

The bill was recommitted to the committee on Swamp lands, with the following instructions:

Recommit the bill with instructions to insert at the proper place, all lands that are returned Swamp Lands, and have been in market twenty-five years and over, to be sold at 75 cents per acre.

By unanimous consent,

Mr. Rugg introduced,

Senate bill No. 142. A bill to provide for the adoption of children, and changing their names.

Which was read a first time, and passed to a second reading.

By unanimous consent

Mr. Crouse introduced

Senate bill No. 143. A bill fixing the time of holding common pleas courts in the counties of Tippecanoe and White.

Which was read a first time.

Mr. Crouse moved to suspend the rules and read the bill a second time now, by its title.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Ensey, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Reynolds, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Vandevanter, Weston, Williams, Wilson and Witherow—44.

No Senator voting in the negative.

So the rules were suspended and the bill read a second time by its title,

The bill was considered as engrossed.

Mr. Crouse moved to further suspend the rules and read the bill a third time now,

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Glazebrook, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Slater, Spann, Suit, Vandevanter, Weston, Williams, Wilson, and Witherow—39.

No Senator voting in the negative.

So the rules were suspended and the bill read a third time,  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Glazebrook, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Richardson of Spencer, Robinson, Rugg, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow, and Woods—45.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Leave being granted,

Mr. McCleary, chairman of the committee on Finance, made the following report:

MR. PRESIDENT:

The committee on finance to whom was referred the resolution of the Senate directing said committee to prepare a bill authorizing the Auditor of State to divide the Indiana State bonds into amounts of one hundred dollars, have instructed me to report that a member of the finance committee has already submitted a bill to that effect, and ask to be discharged from its further consideration.

The report was concurred in.

By unanimous consent  
Mr. Cutshaw introduced.

Senate bill No. 144. "A bill to authorize the Governor to con-  
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tract for the completion of the cells and cell house at the State Prison, and appropriating a sum of money for the same."

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

##### *Senate Bills on Second Reading.*

No. 136. A bill to enable cities which have subscribed for stocks in companies incorporated to construct works of public utility under the 56th section of the general act for the incorporation of cities, and to ratify the same,

Was read a second time, and ordered to be engrossed.

No. 137. A bill to legalize the acknowledgment of deeds and mortgages and other instruments required to be recorded and certified by the clerks of the Circuit Courts of this State after the reception of the revised statutes of 1852 in their respective counties,

Was read a second time, and

On motion by Mr. Anthony,

Referred to the committee on the Judiciary.

##### *House Bills on Second Reading.*

No. 67. A bill to provide for the confinement of persons insane and dangerous when suffered to run at large, and for the compensation of any person to whom the custody of such insane person is committed,

Was read a second time, and ordered to a third reading.

No. 89. A bill to authorize guardians to mortgage the real estate of their wards to borrow money for their education and maintenance,

Was read a second time, and

On motion by Mr. Brown,

Referred to the committee on the Judiciary.

Mr. Sage moved to reconsider the vote ordering House bill No. 67 to a third reading,

Which was not agreed to.

No. 81. A bill to repeal the tenth section of an act, entitled "an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of Judges thereof," approved June 11th, 1852,

Was second a third time; and,

On motion by Mr. Hendry,

Referred to the committee on the Judiciary.



No. 105. A bill to amend section twenty-second of an act, entitled "an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties," approved June 11th, 1852,

Was read a second time, and

On motion by Mr. Hendry,

Referred to the committee on Corporations.

No. 136. A bill to provide for the surrender, and exchange of the certificates of stocks of the State of Indiana,

Was read a second time, and

On motion by Mr. Hawthorn,

Referred to the committee on Corporations.

Leave being granted,

Mr. Combs presented

A petition from sundry citizens of the county of Vigo, asking for the establishment of a bank with branches.

Referred to the committee on Banks.

Leave being granted,

By unanimous consent

Mr. Jackson of Tipton introduced

Senate bill No. 145. "A bill to extend the time of holding Courts of Common Pleas in the county of Tipton at its March term, 1855,"

Which was read a first time.

Mr. Jackson, of Tipton, moved to suspend the rules and read the bill a second time now, by its title,

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Reynolds, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Williams, Wilson, Witherow and Woods—43.

No Senator voting in the negative.

So the rules were suspended, and the bill read a second time by its title.

The bill was considered as engrossed.

Mr. Jackson of Tipton moved to further suspend the rules, and read the bill a third time now,

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Vandevanter, Williams, Wilson, Witherow and Woods—41.

No Senator voting in the negative.

So the rules were suspended, and the bill read a third.  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cushaw, Drew, Ensey, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Reynolds, Richardson of Spencer, Robinson, Rugg, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Williams, Wilson, Witherow and Woods—43.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

On motion by Mr. Jackson of Tipton,

Senate bill No. 114. A bill to provide for the erection of Houses of Refuge for juvenile offenders in the State of Indiana, and the appointment of trustees to manage the same,

Was taken from the table,

And referred to the committee on benevolent institutions.

### *Senate Bills on Third Reading.*

No. 101. A bill to provide compensation to the judges of the Supreme and Circuit Courts, amendatory to the law on that subject,

Was read a third time.

Mr. Crane moved to recommit the bill, with instructions to amend so as to allow the Chaplain of the State Prison \$500 per year.

Mr. Bearss moved to amend the instructions by allowing District Prosecutors \$300 per year.

Mr. Suit moved to amend the amendment by striking out all that relates to the Chaplain of the State Prison.

Which was agreed to.

Mr. Vandevanter moved to reconsider the vote striking out 1500 and inserting 2500 as the Governor's salary.

Which was not agreed to.

Mr. Vandevanter moved to amend the instructions by allowing Circuit Prosecutors \$400 per year.

Which was not agreed to.

Mr. Bearss moved to amend the instructions as follows:

Amend so as to give District Prosecutors \$300 per annum.

Which was not agreed to.

Mr. Crane withdrew his instructions.

Mr. Jackson of Tipton submitted the following amendment to the instructions:

"To the Governor's Private Secretary \$500 per annum."

Mr. Reynolds moved to amend the instructions as follows:

Add a section giving to common pleas judges \$800, when the population of their district shall exceed twenty thousand inhabitants.

Which was not agreed to.

So the bill was recommitted with instructions.

Leave being granted,

Mr. Shields offered the following resolution:

*Resolved*, That the committee on the judiciary be instructed to report a bill so amending the fourth clause of section 36 of "an act providing for the settlement of decedents estates," that the family shall have provisions for some fixed time which shall not be considered as assets.

Which was agreed to.

On motion by Mr. Glazebrook,

The Senate adjourned.

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2 o'clock P. M.

The Senate met.

The President laid before the Senate the following communication from the Auditor of State:

OFFICE OF AUDITOR OF STATE, }  
 Indianapolis, Feb. 15, 1855. }

To THE HON. A. P. WILLARD,

*President of the Senate:*

SIR:—In compliance with the resolution of the Senate “requiring the Auditor of State to report the amount of bills issued, and the amount of circulating notes of the various banks canceled since he came into office,” I would respectfully report that there have been no bills issued by me; and that the aggregate amount of the circulating notes of the various Free Banks, as shown by the books of my predecessor, and as ascertained by the examining committee of your body, was at the time of assuming the duties of the office \$4,581,833 Notes canceled since that time to the 13th inst., for which

bonds have been surrendered..... 628,159

Leaving in circulation..... \$3,453,674

Of which is of specie paying Banks..... 1,589,253

Respectfully submitted,

H. E. TALBOTT.

On motion by Mr. Brown,

The communication was referred to the committee on banks.

On motion by Mr. Alexander,

The operation of the special order on the bank question was suspended for this afternoon.

Leave being granted,

Mr. Harris offered the following resolution:

*Resolved*, That the committee on Finance be instructed to report a bill exempting from taxation personal property belonging to widows, not exceeding eight hundred dollars.

On motion by Mr. Hendry,

The foregoing resolution was amended by striking out \$800 and inserting \$300,

And the resolution as amended was agreed to.

Leave being granted,

Mr. Hawthorn, from the committee on swamp lands, made the following report:

MR. PRESIDENT:

The committee on swamp lands to whom was recommitted bill No. 47, entitled an act amendatory of an act supplemental to an

act entitled an act to regulate the sale of swamp lands donated by the United States to the State of Indiana and to provide for the draining and reclaiming thereof, in accordance with the conditions of said grant, which instruction reads as follows: Insert at the proper place, all lands that are retured swamp lands, and have been in market twenty-five years and over, to be sold at 75 cents per acre, have directed me to report it back with the following amendments and when so amended, recommend its passage:

Amend section 1: After it reads *public places in said*—insert, counties where the lands have been in market twenty-five years and over,

Amend section 3: After it reads *seventy-five cents per acre in the trust*, insert, this reduction in price applies only to counties where the swamp lands have been in market twenty-five years or more by the government of the United States.

Amend section 4: After the words *public sale*, insert, in counties only where lands have been in market twenty-five years or more by the general government.

Strike out section 9.

The report was concurred in, and amendments adopted,  
When,

On motion by Mr. Jackson, of Tipton,

The bill was committed to the committee on the Judiciary, with instructions to examine whether there can be a local law passed on the subject of reducing the price of swamp lands.

On motion by Mr. Hendry,  
The Senate adjourned

FRIDAY MORNING, 9 o'clock, P. M. }  
 February 16th, 1855. }

The Senate met.

The Journal of yesterday was read.

#### PETITIONS.

By Mr. Spann,

A petition from sundry citizens of Jennings county, asking for a change in the school law.

Referred to the committee on Education.

#### REPORTS FROM COMMITTEES.

Mr. Anthony, chairman of the committee on the Judiciary, made the following report :

MR. PRESIDENT :

The committee on the Judiciary to whom was referred House bill No. 5, "a bill to amend the 65th and 66th sections of an act providing for the settlement of decedents estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement, approved June 17, 1852, and supplemental thereto," have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to a third reading.

Mr. Anthony, chairman of the committee on the Judiciary, made the following report :

MR. PRESIDENT :

The committee on the Judiciary to whom was referred Senate bill No. 134, "a bill to repeal section 50, chapter 10, of an act, entitled an act providing for the settlement of decedents estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and heirs thereto, and certain forms to be used in such settlement, approved June 17, 1852" have had the



same under consideration, and have directed me to report it back without amendment, and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Brown, from the committee on the Judiciary, made the following report :

**MR. PRESIDENT :**

The committee on the judiciary, to whom was referred House bill No. 79, a bill to authorize guardians to mortgage the real estate of their wards, to borrow money for their education and maintenance, have had the same under consideration, and have directed me to report that legislation thereon is inexpedient, and recommend that the bill be indefinitely postponed.

The report was concurred in, and the bill ordered to be indefinitely postponed.

Mr. Brown, from the committee on the Judiciary, made the following report :

**MR. PRESIDENT :**

The committee on the Judiciary to whom was referred House bill No. 81, a bill to repeal the 10th section of an act entitled "an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation thereof," approved June 11, 1852, have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to a third reading.

Mr. Vandevanter, from the committee on the judiciary, made the following report :

**MR. PRESIDENT :**

The committee on the judiciary, to whom was referred Senate bill No. 113, a bill to provide the mode of trial, forming the issues, taking depositions, and right of challenge to jurors, in suits involving the descent of real estate, or the distribution of personal property, moneys, or choses in action of an intestate, when there are defendants claiming adverse interests, and to regulate the practice as between such defendants and in such cases, have had the same under consideration, and directed me to report the same back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Vandevanter, from the committee on the judiciary, made the following report:

**MR. PRESIDENT:**

The committee on the Judiciary to whom was referred Senate bill No. 117, "a bill requiring payment or tender to be made of taxes and penalty with interest thereon, before suit brought to recover possession of lands sold for taxes, from any person claiming the same under a tax-title deed made by the auditor, and repealing all laws in conflict therewith," have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Hendry, from the committee on the judiciary, made the following report:

**MR. PRESIDENT:**

The judiciary committee, to whom was referred a resolution of the Senate, requiring them to report at an early day upon the necessity of the General Assembly legalizing by general law, the organization of such corporations as were formed under the revised statutes of 1852, before the distribution of such statutes, have had the same under consideration, and directed me to report the following bill and recommend its passage:

No. 146. A bill legalizing the incorporation of such companies and their acts, as organized under any of the acts contained in the revised statutes of 1852, after the passage of said statutes, and before they were distributed and went into effect.

Which was read a first time and passed to a second reading.

Mr. Hendry, from the committee on the judiciary, made the following report:

**MR. PRESIDENT:**

The committee on the Judiciary to whom was referred Senate bill No. 123, "a bill to confirm title to real estate in cases where the ancestors were naturalized citizens of the United States, and citizens of this State," have had the same under consideration, and have directed me to report that the object sought to be accomplished is fully granted by a law passed in 1853, and therefore recommend that the bill be laid on the table.

The report was concurred in, and the bill laid on the table.

Mr. Drew, from the committee on Corporations, made the following report :

MR. PRESIDENT :

The committee on the Corporations, to whom was referred House bill No. 136, "to enable cities which have subscribed for stock in companies incorporated to construct works of public utility, under the 56th section of the general act for the incorporation of cities to ratify the same," have had the same under consideration, and have instructed me to report the same back to the Senate, and respectfully recommend its passage.

The report was concurred in, and the bill ordered to a third reading.

Mr. Cravens, from a select committee, made the following

## REPORT.

MR. PRESIDENT :

The committee appointed on the part of the Senate, in conjunction with a similar committee on behalf of the House of Representatives, to investigate the condition of the Free Banking System of the State, so far as the same is connected with the office of Auditor of State, beg leave to submit the following report :

Your committee in entering upon the discharge of the duties assigned it, encountering at the outset an amount of labor, in the performance of which so much of the time of its members would have been consumed, as would materially have conflicted with prior engagements and duties in their respective houses, upon consultation deemed it advisable to employ the services of competent and experienced individuals to examine the books of the Auditor, and ascertain the amount of the circulation and securities of the several banks. With this view the joint committee waited upon Dr. E. W. H. Ellis, Mr. Jno. Hunt and Mr. J. R. Slack, gentlemen in whose experience, integrity, and candor, your committee felt assured, the Legislature and the public would have that confidence, which should be deemed an essential element in the discharge of so high and important a trust.

The two first named gentlemen—the latter finding it inconvenient to remain—addressed themselves to the investigation, and, for the better part of fifteen days, labored assiduously in the work assigned them. They have faithfully examined the books, papers, securities, and circulation of the banks as found in the Auditor's office, and, with the explanations of the Auditor and his assistants,

which explanations were occasionally rendered necessary from the imperfect method or system of book-keeping adopted in the banking department, concluded their labors and returned to the committee the accompanying document, with the abstracts and tables therein contained, which comprises as brief and complete an exhibit as the records and files in the office could furnish.

In this exhibit will be found statements of the gross amount of the circulation of each bank, the amount returned and canceled, the outstanding circulation, together with the amount and kind of the collaterals deposited, the amounts and kind surrendered, and the amount and character of the securities yet remaining in possession of the Auditor.

The following securities of ninety-one banks were carefully examined, counted and handed over to the present Auditor, to-wit :

Indiana 5 per cents.....	\$1,820,000
Indiana 2½ per cents.....	554,015
Virginia 6 per cents.....	1,314,000
Missouri 6 per cents.....	233,000
Louisiana 6 per cents.....	696,000
Georgia 6 per cents.....	31,500
Georgia 7 per cents.....	35,500
Kentucky 6 per cents.....	52,500
Ohio 6 per cents.....	9,000
Tennessee 5 per cents.....	9,000
Tennessee 6 per cents.....	9,000
North Carolina 6 per cents.....	97,000
Pennsylvania 5 per cents .....	81,000
Total.....	<u>\$4,941,515</u>

The coupons for January, from nearly all the coupon bonds, have been cut off, and in a few of the banks the proceeds have been invested in additional securities, but for the most part these coupons have been delivered to the proprietors of the banks.

The Indiana bonds are issued in the name of the Auditor of State for the use of the bank making the deposit; but the coupon bonds issued for the State bank, and those of other States, are payable to bearer without endorsement, consequently there is no security, in case of loss, against their transfer to, or use by other parties. This danger is further increased by the fact, that there is no register of the date or number of these bonds in the office of the Auditor of State.

In the abstracts and tables will be found the condition of each bank at the date of examination—embracing a period between the 25th January and the 10th of February. The statements of circulation are taken wholly from the books of the Auditor, the gentlemen making the investigation having no means for ascertaining the accuracy of the contents of the books so examined. At the

request of your committee, those gentlemen addressed circulars to the several banks, requesting their officers to furnish them with a statement of their original and present circulation, together with their original and present securities, as also the disposition of the coupons surrendered; but up to the time of the conclusion of their labors in this investigation there had not been received a single answer, consequently your committee is without the information necessary to the verification of the exhibit herein make.

In some instances the books show quite an excess of security, while in others there is a small excess of circulation. In some of the former, the Auditor informs us that the proprietors of banks, in favor of which the securities largely preponderate, hold his receipts for circulation returned, of which latter nothing is made to appear on the books in his office. Among the latter, or those banks having an excess of circulation, may be mentioned the Elkhart County Bank at Goshen, which has \$1,425 more of circulation than security; the Bank of Syracuse, at Syracuse, an excess of \$2,338; the Bank of Warsaw, at Warsaw, \$1,971; while a number of others have an excess of circulation over collaterals, sums varying from fifty dollars up to six and eight hundred dollars. It will also be borne in mind, that the securities named in the abstract and tables, are estimated at their par value, including also, the  $2\frac{1}{2}$  per cent. bonds of this State. In estimating the securities of banks, and set down in this report as having an unsecured or insufficient circulation, the committee has calculated the  $2\frac{1}{2}$  per cents at 55 cents to the dollar, that being the average rate at which they were deposited. In several instances, too, it will be seen that parties returning paper for cancellation have been permitted to withdraw a greater amount of security; yet it is but just to the Auditor to add that this has only occurred, so far as the committee has examined into the facts, in those cases where the collaterals deposited have largely exceeded the paper issued.

In one instance, as will be seen by reference to the accompanying abstracts, paper to the amount of \$12,103 was issued to the Merchants' Bank at Springfield, without any legitimate security, six thousand of which have been retired and canceled; but the Merchants' Bank at Lafayette has a surplus of Indiana 5 per cent. bonds which, it is said, is designed to cover the outstanding circulation of \$6,103 of the Merchants' Bank of Springfield.

The committee would also call the attention of the Legislature to the present mode of returning and canceling the notes issued, which, from its great looseness, is exceedingly hazardous to both banker and the public, and, in the opinion of your committee, requires immediate attention, as also additional safeguards to be imposed by the Legislature, Auditor, or both.

Another source of complaint, to which, doubtless, much of the impaired confidence of the public in the system may, or might very appropriately, be assigned, has been the practice of surren-



dering the most valuable securities, while those of less value have been left for the redemption of the outstanding circulation. It is for the General Assembly to decide whether this preference shall continue to be given to those who are most prompt in enforcing their demands, to the banker who avails himself of the voluntary suspension of his bank, and the general panic thereby created among the holders of its bills, to purchase his notes at a depreciated rate, or by positive enactments, prohibit the practice, and thus protect the innocent holders of bank paper, who, relying alone upon the integrity of the law for that security which the welfare of the most humble citizen is entitled to, may have neglected or been unable to acquire that information so familiar to the banker and broker, and so indispensable to the protection of all from individual loss.

The abstracts furnish us with the following totals :

Total amount of circulation issued .....	\$9,502,330
Total circulation retired and canceled .....	4,920,497
Balance circulation outstanding .....	4,581,833
Total securities at their par value.....	4,941,515

Respectfully submitted:

JNO. R. CRAVENS,

*Chairman of Senate Committee.*

R. N. HUDSON,

*Chairman of House Committee.*



*ABSTRACT of the condition of the several Free Banks of Indiana  
on the 25th day of January, 1855.*

**BANK OF CONNERSVILLE, AT CONNERSVILLE.**

Total amount of circulation.....	\$834,880 00
Amount of circulation returned and canceled .....	562,998 00
Balance outstanding .....	<u>\$271,882 00</u>

**STOCK ACCOUNT.**

*Stocks Originally Deposited.*

Indiana 5 per cents.....	\$659,000 00
Indiana 2½ per cents.....	195 00
Ohio 6 per cents.....	52,000 00
	<u>\$711,195 00</u>

*Stocks Surrendered.*

Indiana 5 per cents.....	\$364,500 00
Indiana 2½ per cents.....	195 00
Ohio 6 per cents.....	52,000 00
	<u>416,695 00</u>

*Balance of Stocks on hand.*

Consisting of Indiana 5 per cents.....	294,500 00
Total .....	<u>\$711,195 00</u>

**STATE STOCK BANK OF INDIANA, AT PERU.**

Total amount of circulation .....	\$200,320 00
Circulation returned and canceled .....	100,470 00
Balance outstanding .....	<u>90,850 00</u>

**STOCK ACCOUNT.**

*Stocks Deposited.*

Indiana 5 per cents.....	170,900 00
Indiana 2½ per cents.....	54,002 00
	<u>\$224,902 00</u>

*Stocks Surrendered.*

Indiana 5 per cents.....	\$78,600 00
Indiana 2½ per cents.....	54,002 00
	<hr/>
	132,602 00

*Balance of Stocks on hand.*

Consisting of Indiana 5 per cents.....	\$92,300 00
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## GOVERNMENT STOCK BANK, AT LAFAYETTE.

Total amount of circulation.....	\$94,560 00
Circulation returned and canceled.....	77,260 00
	<hr/>
Balance outstanding ..	17,300 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	50,000 00
Missouri 6 per cents .....	40,000 00
	<hr/>
	90,000 00

*Stocks Surrendered.*

Indiana 5 per cents.....	30,500 00
Missouri 6 per cents.....	40,000 00
	<hr/>
	70,500 00

*Balance of Stocks on hand.*

Consisting of Indiana 5 per cents.....	\$19,500 00
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## MERCHANTS' BANK, AT LAFAYETTE.

Total amount of circulation.....	\$50,000 00
Circulation returned and canceled.....	33,323 00
	<hr/>
Balance outstanding.....	16,677 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	50,000 00
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*Stocks Surrendered.*

Indiana 5 per cents.....	24,500 00
	<hr/>
	25,500 00

*Balance of Stocks on hand,*

Consisting of Indiana 5 per cents.....	\$25,500 00
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This amount of stocks deposited is also designed to cover an outstanding circulation of \$6,103 of the Merchants' Bank of Springfield, the proprietors being the same.

## MERCHANTS' BANK AT SPRINGFIELD.

Total amount of circulation.....	\$12,103 00
Circulation returned and canceled.....	6,000 00
	<hr/>
Balance outstanding.....	\$6,103 00

NOTE.—For statement of securities see Merchants' Bank of Lafayette.

## PRAIRIE CITY BANK AT TERRE HAUTE.

Total amount of circulation.....	\$211,672 00
Circulation returned and canceled.....	101,691 00
	<hr/>
Balance outstanding.....	109,981 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Tennessee 6 per cents.....	6,000 00
Indiana 5 per cents.....	189,000 00
Indiana 2½ per cents.....	10,000 00
	<hr/>
	205,000 00

*Stocks Surrendered.*

Tennessee 6 per cents.....	6,000 00
Indiana 5 per cents.....	64,000 00
Indiana 2½ per cents.....	10,000 00
	<hr/>
	80,000 00

*Balance of Stocks on hand.*

Consisting of Indiana 5 per cents..	\$125,000 00
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## SOUTHERN BANK OF INDIANA AT TERRE HAUTE.

Total amount of circulation....	\$182,550 00
Circulation returned and canceled.....	82,550 00
	<hr/>
Balance outstanding.....	100,000 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	61,000 00
Virginia 6 per cents.....	50,000 00
Missouri 6 per cents.....	21,000 00
Michigan 6 per cents.....	46,000 00
	<hr/>
	178,000 00

*Stocks Surrendered.*

Indiana 5 per cents.....	4,000 00
Virginia 6 per cents.....	25,000 00
Missouri 6 per cents.....	3,000 00
Michigan 6 per cents.....	46,000 00
	<hr/>
	78,000 00

*Balance of Stocks on hand as follows:*

Indiana 5 per cents.....	47,000 00
Indiana bank bonds, 5 per cents.....	10,000 00
Virginia 6 per cents.....	25,000 00
Missouri 6 per cents.....	18,000 00
	<hr/>
Total.....	\$100,000 00

## WABASH VALLEY BANK AT LOGANSPORT.

Total amount of circulation.....	\$208,110 00
Circulation returned and canceled.....	81,498 00
Balance outstanding.....	<u>\$126,612 00</u>

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	10,000 00
Louisiana 6 per cents.....	70,000 00
Virginia 6 per cents.....	50,000 00
Indiana 2½ per cents.....	142,026 00
Tennessee 6 per cents.....	2,000 00
	<u>274,026 00</u>

*Stocks Surrendered, to-wit:*

Indiana 2½ per cents.....	25,558 00
Louisiana 6 per cents.....	18,000 00
Virginia 6 per cents.....	50,000 00
Tennessee 6 per cents.....	2,000 00
	<u>95,558 00</u>

*Balance of Stocks on hand, to-wit:*

Indiana 5 per cents.....	10,000 00
Indiana 2½ per cents.....	116,468 00
Louisiana 6 per cents.....	52,000 00
	<u>\$178,468 00</u>

## STATE STOCK BANK AT LOGANSPORT.

Total amount of circulation.....	\$214,086 00
Circulation returned and canceled.....	180,474 00
Balance outstanding.....	<u>\$33,612 00</u>

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	243,000 00
Michigan 6 per cents.....	53,000 00
Pennsylvania 5 per cents.....	13,500 00
	<hr/>
	309,500 00

*Stocks Returned.*

Indiana 5 per cents.....	208,000 00
Michigan 6 per cents.....	53,000 00
Pennsylvania 5 per cents.....	13,500 00
	<hr/>
	274,500 00

*Balance of Stocks on hand.*

Consisting of Indiana 5 per cents.....	\$35,000 00
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## GRAMERCY BANK AT LAFAYETTE.

Total amount of circulation.....	\$108,834 00
Circulation returned and canceled.....	62,949 00
	<hr/>
Balance outstanding.....	45,885 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	95,500 00
Virginia 6 per cents.....	20,000 00
Louisiana 6 per cents.....	20,000 00
Missouri 6 per cents.....	10,000 00
Georgia 6 per cents.....	1,500 00
	<hr/>
	147,000 00

*Stocks Returned.*

Indiana 5 per cents.....	80,000 00
Virginia 6 per cents.....	10,000 00
Louisiana 6 per cents.....	10,000 00
	<hr/>
	100,000 00



*Balance of Stocks on hand, to-wit :*

Indiana 5 per cents.....	15,500 00
Georgia 6 per cents.....	1,500 00
Virginia 6 per cents.....	10,000 00
Missouri 6 per cents.....	10,000 00
Louisiana 6 per cents.....	10,000 00
	<hr/>
	\$47,000 00

## INDIANA STOCK BANK AT LAPORTE.

Total amount of circulation.....	\$105,350 00
Circulation returned and canceled.....	44,955 00
	<hr/>
Balance outstanding.....	\$60,395 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	74,000 00
Michigan 6 per cents.....	26,156 00
	<hr/>
	\$100,156 00

*Stocks Surrendered.*

Indiana 5 per cents.....	9,000 00
Michigan 6 per cents.....	26,156 00
	<hr/>
	\$35,156 00

*Balance of Stocks on hand.*

Consisting of Indiana 5 per cents.....	\$65,000 00
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## PLYMOUTH BANK AT PLYMOUTH.

Total amount of circulation.....	\$59,148 00
Circulation returned and canceled.....	27,414 00
	<hr/>
Balance outstanding.....	\$31,734 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	53,000 00
Virginia 6 per cents....	2,000 00
	<hr/>
	\$55,000 00

*Stocks Surrendered,*

Indiana 5 per cents.....	16,000 00
Virginia 6 per cents....	2,000 00
	<hr/>
	\$18,000 00

*Balance of Stocks on hand.*

Consisting of Indiana 5 per cents.....	\$37,000 00
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## DROVERS' BANK AT ROME.

Total amount of circulation.....	\$52,821 00
Circulation returned and canceled.....	20,022 00
	<hr/>
Balance outstanding.....	32,799 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	50,000 00
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*Stocks Surrendered.*

Indiana 5 per cents.....	17,000 00
	<hr/>
Balance of stocks on hand.....	\$33,000 00

## PUBLIC STOCK BANK AT NEWPORT.

Total amount of circulation.....	\$135,612 00
Circulation returned and canceled..	103,804 00
	<hr/>
Balance outstanding.....	31,808 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	133,000 00
Indiana 2½ per cents.....	13,180 00
Virginia 6 per cents.....	28,000 00
	<hr/>
	174,180 00

*Stocks Surrendered.*

Indiana 5 per cents.....	101,000 00
Indiana 2½ per cents.....	13,180 00
Virginia 6 per cents.....	28,000 00
	<hr/>
	142,180 00

*Balance of Stocks on hand.*

Consisting of Indiana 5 per cents.....	\$32,000 00
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## BANK OF NORTH AMERICA AT NEWPORT.

Total amount of circulation.....	\$64,610 00
Circulation returned and canceled.....	21,900 00
	<hr/>
Balance outstanding.....	42,710 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	60,000 00
Stocks surrendered.....	17,000 00
	<hr/>
Balance of Stocks on hand.....	\$43,000 00

## STATE STOCK SECURITY BANK AT NEWPORT.

Total amount of circulation.....	\$106,218 00
Circulation returned and canceled.....	85,468 00
	<hr/>
Balance outstanding.....	20,750 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	90,000 00
Virginia 6 per cents.....	58,000 00
Pennsylvania 5 per cents....	26,000 00
Louisiana 6 per cents.....	2,000 00
Missouri 6 per cents.....	10,000 00
	<hr/>
	\$186,000 00

*Stocks Surrendered.*

Indiana 5 per cents.....	55,000 00
Virginia 6 per cents.....	58,000 00
Pennsylvania 5 per cents.....	26,000 00
Louisiana 6 per cents.....	2,000 00
Missouri 6 per cents.....	10,000 00
	<hr/>
	\$151,000 00

*Balance of Stocks on hand.*

Consisting of Indiana 5 per cents.....	\$35,000 00*
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\*All in one Bond.

## TRADERS' BANK AT INDIANAPOLIS.

Total amount of circulation returned.....	\$137,566 00
Circulation returned and canceled.....	118,077 00
	<hr/>
Balance outstanding.....	19,489 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	50,000 00
Indiana 2½ per cents.....	202,977 50
Georgia 6 per cents.....	25,000 00
	<hr/>
	277,977 50

*Stocks Surrendered.*

Indiana 5 per cents.....	50,000 00
Indiana 2½ per cents.....	165,977 50
	<hr/>
	215,977 50

*Balance of Stocks on hand, to-wit :*

Indiana 2½ per cents.....	37,000 00
Georgia 6 per cents.....	500 00
Total.....	<u>\$37,500 00</u>

## WESTERN BANK, AT PLYMOUTH.

Total amount of circulation.....	\$100,374 00
Circulation returned and canceled.....	41,975 00
Balance outstanding.....	<u>\$58,399 00</u>

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	50,000 00
Virginia 6 per cents.....	50,000 00
	<u>\$100,000 00</u>

*Stocks Surrendered.*

Indiana 5 per cents.....	3,000 00
Virginia 6 per cents.....	38,000 00
	<u>41,000 00</u>

*Balance of Stocks on hand, to-wit :*

Indiana 5 per cents.....	47,000 00
Virginia 6 per cents.....	12,000 00
Total.....	<u>\$59,000 00</u>

## CANAL BANK, AT EVANSVILLE.

Total amount of circulation.....	\$70,000 00
Circulation returned and canceled.....	20,000 00
Balance outstanding.....	<u>50,000 00</u>

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	50,000 00
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Missouri 6 per cents .....	20,000 00
Total .....	<u>70,000 00</u>

*Stocks Surrendered.*

Missouri 6 per cents .....	\$20,000 00
Balance of Stocks on hand, consisting of Indiana 5 per cents. ....	50,000 00

## FAYETTE COUNTY BANK, AT CONNERSVILLE.

Total amount of circulation .....	\$81,251 00
Circulation returned and canceled .....	<u>33,251 00</u>

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents .....	3,750 00
Indiana 2½ per cents .....	5,000 00
Virginia 6 per cents .....	73,000 00
Kentucky 6 per cents .....	2,000 00
Total .....	<u>83,750 00</u>

*Stocks Surrendered.*

Indiana 5 per cents .....	3,750 00
Indiana 2½ per cents .....	5,000 00
Virginia 6 per cents .....	25,000 00
Kentucky 6 per cents .....	2,000 00
	<u>35,750 00</u>
Balance of stocks on hand, consisting of Virginia 6 per cents .....	\$48,000 00

## NORTHERN INDIANA BANK, AT LOGANSPORT.

Total amount of circulation .....	\$100,002 00
Circulation returned and canceled .....	<u>41,100 00</u>
Balance outstanding .....	58,902 00



## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents .....	95,000 00
Missouri 6 per cents .....	5,000 00
	<hr/>
	\$100,000 00

*Stocks Surrendered.*

Indiana 5 per cents .....	36,000 00
Missouri 6 per cents .....	5,000 00
	<hr/>
	41,000 00
Balance of stocks on hand, consisting of Indiana 5 per cents. ....	\$59,000 00

## NEW YORK STOCK BANK AT VINCENNES.

Total amount of circulation .....	\$110,000 00
Circulation returned and canceled .....	70,000 00
	<hr/>
Balance outstanding .....	49,000 00

## STOCK ACCOUNT.

Virginia 6 per cents .....	100,000 00
Stocks surrendered .....	51,000 00
	<hr/>
Stocks on hand, Virginia sixes .....	\$49,000 00

## THE BANK OF INDIANA, AT MICHIGAN CITY.

Total amount of circulation .....	\$49,998 00
No circulation returned.	

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents .....	25,000 00
Missouri 6 per cents .....	25,000 00
	<hr/>
Total stocks on hand .....	\$50,000 00

## ELKHART COUNTY BANK, AT GOSHEN.

Total amount of circulation .....	\$367,500 00
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Circulation returned and canceled.....	234,075 00
Balance outstanding .....	133,425 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 2½ per cents .....	50,000 00
North Carolina 6 per cents .....	85,000 00
Virginia 6 per cents .....	132,000 00
Louisiana 6 per cents .....	78,000 00
Total.....	345,000 00

*Stocks Surrendered.*

North Carolina 6 per cents.....	68,000 00
Virginia 6 per cents.....	93,000 00
Louisiana 6 per cents.....	29,000 00
Total.....	190,000 00

*Balance of Stocks on hand, to-wit:*

Indiana 2½ per cents.....	50,000 00
North Carolina 6 per cents .....	17,000 00
Virginia 6 per cents .....	39,000 00
Louisiana 6 per cents.....	49,000 00
Total.....	\$155,000 00

## STEUBEN COUNTY BANK, AT ANGOLA.

Total amount of circulation.....	\$125,488 00
Circulation returned and canceled.....	84,150 00
Balance outstanding .....	68,338 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	5,000 00
Indiana 2½ per cents.....	50,000 00
Missouri 6 per cents .....	20,000 00
Louisiana 6 per cents .....	100,500 00
Total.....	\$175,500 00

*Stocks Surrendered.*

Missouri 6 per cents. ....	20,000 00
Louisiana 6 per cents. ....	63,500 00
Total. ....	83,500 00

*Balance of Stocks on hand, to-wit :*

Indiana 5 per cents. ....	5,000 00
Indiana 2½ per cents. ....	50,000 00
Louisiana 6 per cents. ....	37,000 00
Total. ....	\$92,000 00

**CRESCENT CITY BANK AT EVANSVILLE.**

Total amount of circulation. ....	\$77,090 00
Circulation returned and canceled. ....	10,000 00
Balance outstanding. ....	67,090 00

**STOCK ACCOUNT.***Stocks Deposited.*

Indiana 5 per cents. ....	74,600 00
Kentucky 6 per cents. ....	2,500 00
Total. ....	77,100 00

*Stocks surrendered.*

Indiana 5 per cents. ....	7,000 00
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*Balance of Stocks on hand, to-wit :*

Kentucky 6 per cents. ....	2,500 00
Indiana 5 per cents. ....	67,600 00
Total. ....	\$70,100 00

**INDIANA BANK AT MADISON.**

Total amount of circulation. ....	\$68,400 00
Circulation returned and canceled. ....	13,100 00
Balance outstanding. ....	55,300 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents .....	500 00
Indiana 2½ per cents .....	57,855 00
California 7 per cents .....	10,000 00
Missouri 6 per cents .....	35,000 00
Total .....	<u>103,355 00</u>

*Stocks surrendered.*

Indiana 2½ per cents .....	23,777 50
California 7 per cents .....	10,000 00
Total .....	<u>33,777 50</u>

*Balance of Stocks on hand, to-wit :*

Indiana 5 per cents .....	500 00
Indiana 2½ per cents .....	33,077 50
Virginia 7 per cents .....	2,000 00
Missouri 6 per cents .....	35,000 00
Total .....	<u>\$70,577 50</u>

## CENTRAL BANK AT INDIANAPOLIS.

Total amount of circulation .....	\$323,000 00
Circulation returned and canceled .....	271,000 00
Balance outstanding .....	<u>52,000 00</u>

## STOCK ACCOUNT.

*Stocks Deposited.*

Virginia 6 per cents .....	295,000 00
Stocks surrendered .....	243,000 00
Balance on hand, Virginia 6 per cents .....	<u>\$52,000 00</u>

## BANK OF ALBANY AT NEW ALBANY.

Total amount of circulation.....	\$86,073 00
Circulation returned and canceled.....	69,138 00
Balance outstanding.....	16,935 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	25,000 00
Indiana 2½ per cents.....	144,149 50
Virginia 6 per cents.....	50,000 00
	219,649 50

*Stocks Surrendered.*

Indiana 5 per cents.....	8,500 00
Indiana 2½ per cents.....	144,149 50
Virginia 6 per cents.....	50,000 00
Total.....	202,649 50

*Balance of Stocks on hand.*

Consisting of Indiana 5 per cents.....	\$17,000 00
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## STATE STOCK BANK AT JAMESTOWN.

Total amount of circulation.....	\$369,700 00
Circulation returned and canceled.....	240,105 00
Balance outstanding.....	129,595 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	53,500 00
Virginia 6 per cents.....	165,000 00
Missouri 6 per cents.....	40,000 00
North Carolina 6 per cents.....	50,000 00
Ohio 6 per cents.....	38,500 00
Total.....	347,000 00

*Stocks Surrendered.*

Indiana 5 per cents.....	1,000 00
Missouri 6 per cents.....	29,000 00
Virginia 6 per cents.....	99,000 00
North Carolina 6 per cents.....	50,000 00
Ohio 6 per cents.....	38,500 00
Total.....	<hr/> 217,500 00

*Balance of Stocks on hand, to-wit :*

Indiana 5 per cents .....	52,500 00
Missouri 6 per cents.....	11,000 00
Virginia 6 per cents.....	66,000 00
Total.....	<hr/> \$129,500 00

## BANK OF COVINGTON AT COVINGTON.

Total amount of circulation.....	\$154,999 00
Circulation returned and canceled.....	71,611 00
Balance outstanding.....	<hr/> 83,388 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	5,000 00
Virginia 6 per cents.....	50,000 00
Louisiana 6 per cents.....	105,000 00
Total.....	<hr/> 160,000 00

*Stocks Surrendered.*

Indiana 5 per cents.....	5,000 00
Virginia 6 per cents.....	50,000 00
Louisiana 6 per cents.....	44,500 00
Total.....	<hr/> 99,500 00

*Bonds on hand, to-wit :*

Louisiana 6 per cents .....	60,500 00
Virginia 6 per cents.....	23,000 00
Total.....	<hr/> \$83,500 00



## GREAT WESTERN BANK AT TERRE HAUTE.

Total amount of circulation.....	\$139,900 00
Circulation returned and canceled.....	89,109 00
	<hr/>
Balance outstanding.....	50,791 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Virginia 6 per cents.....	139,000 00
Stocks surrendered.....	89,000 00
	<hr/>
Balance on hand, Virginia 6 per cents....	\$50,000 00

NOTE.—Auditor Dunn says, “The securities of this Bank are more than covered by past interest due in my hands.”

## BANK OF ROCHESTER AT ROCHESTER.

Total amount of circulation.....	\$170,001 00
Circulation returned and canceled.....	71,645 00
	<hr/>
Balance outstanding ..	98,356 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Missouri 6 per cents....	83,000 00
Virginia 6 per cents.....	37,000 00
Louisiana 6 per cents.....	60,000 00
Tennessee 6 per cents.....	5,000 00
Ohio 6 per cents.....	5,145 00
North Carolina 6 per cents.....	1,000 00
	<hr/>
Total.....	191,145 00

*Stocks Surrendered.*

Virginia 6 per cents.....	30,000 00
Ohio 6 per cents.....	1,145 00
Louisiana 6 per cents.....	17,000 00
Missouri 6 per cents.....	38,000 00
Tennessee 6 per cents.....	5,000 00
North Carolina 6 per cents.....	1,000 00
	<hr/>
Total.....	92,145 00

*Bonds on hand, to-wit :*

Virginia 6 per cents. ....	7,00 00
Ohio 6 per cents. ....	4,000 00
Indiana 5 per cents. ....	1,500 00
Louisiana 6 per cents. ....	43,000 00
Missouri 6 per cents. ....	45,000 00
Total. ....	<u>\$100,500 00</u>

NEW YORK AND VIRGINIA STATE STOCK BANK AT  
EVANSVILLE.

Total amount of circulation. ....	236,977 00
Circulation returned and canceled. ....	185,023 00
Balance outstanding. ....	<u>51,954 00</u>

## STOCK ACCOUNT.

*Stocks Deposited.*

Virginia 6 per cents. ....	225,000 00
Kentucky 6 per cents. ....	14,000 00
Georgia 6 per cents. ....	1,500 00
Total. ....	<u>240,500 00</u>

*Stocks Surrendered.*

Kentucky 6 per cents. ....	14,000 00
Georgia 6 per cents. ....	1,500 00
Virginia 6 per cents. ....	172,000 00
Total. ....	<u>187,500 00</u>

*Stocks on hand as follows, to-wit :*

Virginia 6 per cents. ....	\$53,000 00
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## BANK OF RENSSELAER AT RENSSELAER.

Total amount of circulation. ....	\$114,000 00
Circulation returned and canceled. ....	53,447 00
Balance outstanding. ....	<u>60,553 00</u>

## STOCK ACCOUNT.

*Stocks Deposited.*

Pennsylvania 5 per cents.....	74,000 00
Louisiana 6 per cents.....	71,000 00
Total.....	<u>145,000 00</u>

*Stocks Surrendered.*

Pennsylvania 5 per cents.....	74,000 00
Louisiana 6 per cents.....	10,500 00
Total.....	<u>84,500 00</u>

*Stocks on hand.*

Consisting of Louisiana 6 per cents.....	\$60,500 00
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## WAYNE BANK AT LOGANSFORT.

Total amount of circulation.....	\$127,760 00
Circulation returned and canceled.....	74,940 00
Balance outstanding.....	<u>52,820 00</u>

## STOCK ACCOUNT.

*Stocks Deposited.*

Virginia 6 per cents.....	110,000 00
Ohio 6 per cents.....	42,183 06
	<u>152,183 06</u>

*Stocks Surrendered.*

Ohio 6 per cents.....	37,183 06
Virginia 6 per cents.....	62,000 00
Total.....	<u>99,183 06</u>

*Balance of Stocks on hand, to-wit:*

Ohio 6 per cents.....	5,000 00
Virginia 6 per cents.....	48,500 00
Total.....	<u>\$53,500 00</u>

## BROOKVILLE BANK AT BROOKVILLE.

Total amount of circulation.....	\$95,039 00
Circulation returned and canceled.....	52,038 00
Balance outstanding.....	<u>43,001 00</u>

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	40,000 00
Virginia 6 per cents.....	50,000 00
Total.....	<u>90,000 00</u>

*Stocks Surrendered.*

Indiana 5 per cents.....	25,000 00
Virginia 6 per cents.....	22,000 00
Total.....	<u>47,000 00</u>

*Balance of Stocks on hand, to-wit :*

Indiana 5 per cents.....	15,000 00
Virginia 6 per cents.....	28,000 00
Total.....	<u>\$43,000 00</u>

## BANK OF ATTICA AT ATTICA.

Total amount of circulation.....	\$149,980 00
Circulation returned and canceled.....	57,390 00
Balance outstanding.....	<u>92,590 00</u>

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	153,200 00
Indiana 2½ per cents.....	22,140 00
Total.....	<u>\$175,340 00</u>

*Stocks Surrendered.*

Indiana 5 per cents.....	57,400 00
Indiana 2½ per cents.....	22,140 00
Total.....	<u>79,540 00</u>

*Stocks on hand as follows, to wit :*

Ihdiana 5 per cents.....	\$95,800 00
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DELAWARE COUNTY BANK AT MUNCIE.

Total amount of circulation.....	\$90,003 00
Circulation returned and canceled.....	49,153 00
Balance outstanding.....	<u>40,850 00</u>

STOCK ACCOUNT.

*Stocks Deposited.*

Virginia 6 per cents.....	90,000 00
Stocks surrendered.....	49,000 00
Stocks on hand, Virginia 6 per cents.....	<u>\$41,000 00</u>

BANK OF GOSHEN AT GOSHEN.

Total amount of circulation.....	\$110,500 00
Circulation returned and canceled.....	56,176 00
Balance outstanding.....	<u>54,324 00</u>

STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	35,000 00
Indiana 2½ per cents.....	30,000 00
Lousiana 6 per cents.....	63,000 00
Tennessee 5 per cents.....	11,000 00
Pennsylvania 5 per cents.....	10,000 00
Total.....	<u>149,000 00</u>

*Stocks Surrendered.*

Indiana 5 per cents.....	24,000 00
Louisiana 6 per cents.....	45,000 00
Tennessee 5 per cents.....	2,000 00
Pennsylvania 5 per cents.....	10,000 00
Total.....	<hr/> 81,000 00

*Stocks on hand as follows, to-wit :*

Indiana 5 per cents.....	11,000 00
Indiana 2½ per cents.....	30,000 00
Tennessee 5 per cents.....	9,000 00
Louisiana 6 per cents.....	18,000 00
Total.....	<hr/> \$68,000 00

## LAGRANGE BANK AT LIMA.

Total amount of circulation..... \$57,122 00

No circulation returned.

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	1,000 00
Indiana 2½ per cents.....	22,050 00
Tennessee 6 per cents.....	5,000 00
Kentucky 6 per cents.....	13,000 00
North Carolina 6 per cents.....	5,000 00
Louisiana 6 per cents.....	21,000 00
Total.....	<hr/> \$67,050 00

No stocks surrendered.

## HOOSIER BANK AT LOGANSPOUT.

Total amount of circulation..... \$49,985 00

No circulation returned.



## STOCK ACCOUNT.

*Stocks Deposited.*

Louisiana 6 per cents.....	34,000 00
Missouri 6 per cents.....	16,000 00
	<hr/>
Stocks on hand.....	\$50,000 00

## BANK OF SYRACUSE AT SYRACUSE.

Total amount of circulation.....	\$48,000 00
Circulation returned and canceled.....	10,607 00
	<hr/>
Balance outstanding .....	\$37,393 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	8,000 00
Indiana 2½ per cents.....	60,100 00
	<hr/>
Total.....	68,100 00

*Stocks Surrendered.*

Indiana 5 per cents.....	6,000,00
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*Balance of Stocks on hand.*

Indiana 5 per cents.....	2,000 00
Indiana 2½ per cents.....	60,100 00
	<hr/>
Total.....	\$62,100 00

## NORTH WESTERN BANK AT BLOOMFIELD.

Total amount of circulation.....	\$300,000 00
Notes returned and canceled.....	176,500 00
	<hr/>
Balance outstanding .....	123,500 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Virginia 6 per cents.....	309,000 00
Missouri 6 per cents.....	50,000 00
Total.....	<u>359,000 00</u>

*Stocks Surrendered.*

Virginia 6 per cents.....	217,000 00
Missouri 6 per cents.....	16,000 00
Total.....	<u>\$233,500 00</u>

*Balance of Stocks on hand, to-wit:*

Virginia 6 per cents.....	91,500 00
Missouri 6 per cents.....	34,000 00
Total.....	<u>\$125,500 00</u>

## BANK OF AMERICA AT MOROCCO.

Total amount of circulation.....	\$49,998 00
Circulation returned and canceled.....	11,000 00
Balance outstanding.....	<u>\$38,998 00</u>

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	50,000 00
Pennsylvania 5 per cents.....	44,000 00
Total.....	<u>\$94,000 00</u>

*Stocks surrendered.*

Pennsylvania 5 per cents.....	44,000 00
Indiana 5 per cents.....	9,000 00
Total.....	<u>53,000 00</u>

*Balance of Stocks on hand, to-wit:*

Indiana 5 per cents.....	41,000 00
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## BANK OF FORT WAYNE, AT FORT WAYNE.

Total amount of circulation.....	\$149,985 00
Notes returned and canceled.....	86,010 00
Balance outstanding .....	<u>63,975 00</u>

## STOCK ACCOUNT.

*Stocks Deposited.*

Virginia 6 per cents.....	127,000 00
Tennessee 6 per cents .....	1,000 00
California 7 per cents.....	4,000 00
Indiana 2½ per cents.....	35,770 00
Total .....	<u>167,770 00</u>

*Stocks surrendered.*

Virginia 6 per cents.....	63,000 00
Indiana 2½ per cents .....	35,770 00
California 7 per cents .....	4,000 00
Total.....	<u>102,770 00</u>

*Balance of Stocks on hand, to-wit :*

Tennessee 6 per cents.....	1,000 00
Virginia 6 per cents.....	64,000 00
Total .....	<u>\$65,000 00</u>

## BANK OF ELKHART, AT ELKHART.

Total amount of circulation.....	\$40,398 00
None returned.	

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents .....	\$30,500 00
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## ATLANTIC BANK, AT JACKSON.

Total amount of circulation.....	\$19,806 00
Amount of circulation returned and canceled ....	6,000 00
Balance outstanding .....	<u>13,806 00</u>

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 2½ per cents.....	23,859 50
Virginia 6 per cents.....	5,000 00
	<u>28,859 50</u>

*Stocks Surrendered.*

Virginia 6 per cents .....	5,000 00
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*Balance of Stocks on hand.*

Indiana 2½ per cents.....	\$23,859 50
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## WABASH RIVER BANK, AT NEWVILLE.

Total amount of circulation .....	\$120,000 00
Notes returned and canceled.....	51,000 00
Balance outstanding .....	<u>69,000 00</u>

## STOCK ACCOUNT.

*Stocks Deposited.*

Virginia 6 per cents.....	120,000 00
Stocks surrendered.....	51,000 00

*Bonds on hands.*

Virginia 6 per cents.....	69,000 00
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## CAMBRIDGE CITY BANK, AT CAMBRIDGE CITY.

Total amount of circulation.....	\$30,000 00
None returned.	

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	30,000 00
None surrendered.	

## BANK OF ROCKVILLE, AT ROCKVILLE.

Total amount of circulation .....	\$50,000 00
None returned.	

## STOCK ACCOUNT.

*Stocks Deposited.*

Louisiana 6 per cents.....	\$50,000 00
None surrendered.	

## TIPPECANOE BANK, AT WINAMAC.

Total amount of circulation.....	\$56,990 00
Notes returned and canceled.....	15,000 00
	<hr/>
Balance outstanding.....	\$41,990 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Virginia 6 per cents.....	48,000 00
Missouri 6 per cents.....	9,000 00
Louisiana 6 per cents.....	2,500 00
	<hr/>
	59,500 00

*Stocks Surrendered.*

Virginia 6 per cents.....	24,000 00
Missouri 6 per cents.....	
Louisiana 6 per cents.....	

*Balance of Stocks on hand.*

Virginia 6 per cents.....	24,000 00
Missouri 6 per cents.....	13,000 00
Louisiana 6 per cents.....	5,000 00
	<hr/>
	\$42,000 00

## FARMER'S BANK AT WESTFIELD.

Total amount of circulation.....	\$87,152 00
Notes returned and canceled.....	40,000 00
Balance outstanding.....	<u>47,152 00</u>

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	38,000 00
Indiana 2½ per cents.....	20,272 50
Missouri 6 per cents.....	33,000 00
Virginia 6 per cents.....	5,000 00
	<u>96,272 50</u>

*Stocks Surrendered.*

Indiana 5 per cents.....	2,000 00
Virginia 6 per cents.....	5,000 00
Missouri 6 per cents.....	33,000 00
	<u>40,000 00</u>

*Balance of Stocks on hand, to-wit:*

Indiana 5 per cents.....	36,000 00
Indiana 2½ per cents.....	20,272 50
	<u>\$56,272 50</u>

## TRADERS BANK AT TERRE HAUTE.

Total amount of circulation.....	\$49,998 00
Notes returned and canceled..	26,000 00
Balance outstanding.....	<u>23,998 00</u>

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	64,000 00
Pennsylvania 5 per cents.....	19,000 00
Total.....	<u>83,000 00</u>



*Stocks Surrendered.*

Indiana 5 per cents .....	40,000 00
Pennsylvania 5 per cents.....	19,000 00
Total .....	<u>59,000 00</u>

*Balance of Stocks on hand.*

Indiana 5 per cents.....	24,000 00
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## KENTUCKY STOCK BANK AT COLUMBUS.

Total amount of circulation.....	\$48,000 00
None returned.	

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	14,000 00
Missouri 6 per cents.....	4,000 00
Louisiana 6 per cents .....	10,000 00
Georgia 6 per cents.....	6,500 00
Kentucky 6 per cents .....	14,000 00
Total stocks on hand as above.....	<u>\$48,500 00</u>

## FARMERS AND MECHANICS' BANK AT INDIANAPOLIS.

Total amount of circulation .....	\$50,000 00
Circulation returned and canceled .....	37,000 00
Balance outstanding.....	<u>13,000 00</u>

## STOCK ACCOUNT.

*Stocks Deposited.*

Louisiana 6 per cents.....	50,000 00
Stocks surrendered, same.....	36,500 00
Stocks on hand, same as above....	<u>\$13,500 00</u>

## STATE STOCK BANK AT MARION.

Total amount of circulation.....	\$56,003 00
Notes returned and canceled.....	16,500 00
Balance outstanding.....	<u>\$39,503 00</u>

## STOCK ACCOUNT.

*Stocks Deposited.*

Louisiana 6 per cents.....	31,000 00
Virginia 6 per cents.....	25,000 00
Total.....	<u>56,000 00</u>

*Stocks Surrendered,*

Louisiana 6 per cents.....	7,500 00
Virginia 5 per cents.....	9,000 00
Total.....	<u>16 500 00</u>

*Balance of Stocks on hand, to-wit:*

Louisiana 6 per cents.....	23,500 00
Virginia 6 per cents.....	16,000 00
Total.....	<u>\$39,500 00</u>

## WABASH RIVER BANK AT JASPER.

Total amount of circulation.....	\$300,000 00
Notes returned and canceled.....	172,075 00
Balance outstanding.....	<u>127,925 00</u>

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	5,600 00
Virginia 6 per cents.....	341,000 00
Total.....	<u>346,600 00</u>

*Stocks on hand.*

Indiana 5 per cents.....	7,000 00
Missouri 6 per cents.....	1,000 00
Louisiana 6 per cents.....	3,000 00
Virginia 6 per cents.....	119,000 00
Total.....	<u>\$130,000 00</u>

## TRADERS' BANK AT NASHVILLE.

Total amount of circulation.....	\$75,400 00
Notes returned and canceled .....	6,500 00
Balance outstanding .....	<u>68,900 00</u>

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	51,000 00
Indiana 2½ per cents.....	140,977 50
Total. ....	<u>191,977 50</u>

*Stocks Surrendered.*

Indiana 5 per cents .....	1,000 00
Indiana 2½ per cents.....	101,977 50
Total.....	<u>192,977 50</u>

*Balance of Stocks on hand, to-wit :*

Indiana 5 per cents.....	50,000 00
Indiana 2½ per cents .....	39,000 00
Total .....	<u>89,000 00</u>

## BANK OF WARSAW, AT WARSAW.

Total amount of circulation.....	\$46,306 00
Notes returned and canceled .....	10,729 00
Balance outstanding.....	<u>\$35,577 00</u>

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	11,000 00
Indiana 2½ per cents.....	59,735 00
Total.....	<hr/> 70,735 00

*Stocks Surrendered.*

Indiana 5 per cents.....	5,000 00
Indiana 2½ per cents.....	9,547 50
	<hr/> 14,547 50

*Balance of Stocks on hand.*

Indiana 5 per cents.....	6,000 00
Indiana 2½ per cents.....	50,187 50
Total.....	<hr/> 56,187 50

## MERCHANTS AND MECHANIC'S BANK, AT NEW ALBANY.

Total amount of circulation.....	\$49,998 00
No circulation returned.	

## STOCK ACCOUNT.

*Stocks Deposited and on hand.*

Georgia 6 per cents.....	20,000 00
Kentucky 6 per cents.....	23,000 00
Tennessee 6 per cents.....	3,000 00
Indiana 5 per cents.....	4,000 00
Total.....	<hr/> 50,000 00

## BANK OF MOUNT VERNON, AT MOUNT VERNON.

Total amount of circulation.....	\$97,414 00
Notes returned and canceled.....	21,914 00
Balance outstanding.....	<hr/> 75,500 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Georgia 7 per cents.....	43,500 00
Georgia 6 per cents.....	5,000 00
North Carolina 6 per cents.....	50,000 00
Total.....	<u>98,500 00</u>

*Stocks surrendered.*

Georgia 7 per cents.....	8,000 00
Georgia 6 per cents.....	2,000 00
North Carolina 6 per cents.....	13,000 00
Total.....	<u>23,000 00</u>

*Balance of Stocks on hand, to-wit :*

Georgia 7 per cents.....	35,500 00
Georgia 6 per cents.....	3,000 00
North Carolina 6 per cents.....	37,000 00
Total.....	<u>\$75,500 00</u>

## INDIAN RESERVE BANK, AT KOKOMO.

Total amount of circulation.....	\$47,996 00
Circulation returned and canceled.....	10,380 00
Balance outstanding.....	<u>37,616 00</u>

## STOCK ACCOUNT.

*Stocks Deposited.*

Virginia 6 per cents.....	48,000 00
Stocks surrendered.....	9,000 00

*Balance of Stocks on hand,*

Virginia 6 per cents.....	39,000 00
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## GREENE COUNTY BANK. AT BLOOMFIELD.

Total amount of circulation.....	\$81,105 00
Notes returned and canceled.....	23,105 00
	<hr/>
Balance outstanding.....	58,000 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	79,000 00
Virginia 6 per cents.....	10,000 00
Missouri 6 per cents.....	10,000 00
Georgia 6 per cents.....	1,500 00
Louisiana 6 per cents.....	10,000 00
	<hr/>
	\$110,500 00

*Stocks Surrendered.*

Indiana 5 per cents.....	21,000 00
Virginia 6 per cents.....	10,000 00
Missouri 6 per cents.....	10,000 00
Georgia 6 per cents.....	1,500 00
Louisiana 6 per cents.....	10,000 00
	<hr/>
	\$52,500 00

*Balance of Stocks on hand, to-wit :*

Indiana 5 per cents.....	58,000 00
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## FARMERS' AND MECHANICS' BANK. AT RENSSELAER.

Total amount of circulation.....	\$58,500 00
Notes returned and canceled.....	24,888 00
	<hr/>
Balance outstanding.....	33,612 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Louisiana 6 per cents.....	57,000 00
Stocks surrendered.....	23,500 00
	<hr/>
On hand, Louisiana 6 per cents.....	33,500 00



## LAUREL BANK, AT LAUREL.

Total amount of circulation.....	\$57,000 00
Notes returned and canceled.....	1,000 00
	<hr/>
Balance outstanding.....	\$56,000 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	57,000 00
Stocks surrendered.....	1,000 00
	<hr/>
Balance on hand, Indiana 5 per cents.....	56,000 00

## BANK OF SALEM, AT SALEM.

Total amount of circulation.....	\$99,996 00
Notes returned and canceled.....	26,000 00
	<hr/>
Balance outstanding.....	73,996 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Louisiana 6 per cents.....	100,000 00
Stocks surrendered.....	26,000 00
	<hr/>
Louisiana 6 per cents on hand.....	74,000 00

## KALAMAZOO BANK, AT ALBION.

Total amount of circulation.....	\$49,998 00
Circulation returned and canceled.....	22,000 00
	<hr/>
Balance outstanding.....	72,998 00

## • STOCK ACCOUNT.

*Stocks Deposited.*

North Carolina 6 per cents.....	25,000 00
Virginia 6 per cents.....	25,000 00
	<hr/>
Total.....	50,000 00

*Stocks Surrendered.*

North Carolina 6 per cents.....	9,000 00
Virginia 6 per cents.....	13,000 00
Total.....	<u>22,000 00</u>

*Balance of Stocks on hand.*

North Carolina 6 per cents.....	16,000 00
Virginia 6 per cents.....	12,000 00
Total Stocks on hand.....	<u>28,000 00</u>

## UPPER WABASH BANK, AT WABASH.

Total amount of circulation .....	240,000 00
Notes returned and canceled .....	140,290 00
Balance outstanding .....	<u>99,710 00</u>

## STOCK ACCOUNT.

*Stocks Deposited.*

Virginia 6 per cents.....	243,500 00
Stocks surrendered .....	139,500 00
Virginia Stocks on hand.....	<u>104,000 00</u>

## PERRY COUNTY BANK, AT CANNELTON.

Total amount of circulation .....	102,000 00
Circulation returned and canceled.....	40,001 00
Balance outstanding .....	<u>61,999 00</u>

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	59,000 00
Indiana 2½ per cents .....	390 00
Pennsylvania 5 per cents.....	81,000 00
Total .....	<u>140,390 00</u>

*Stocks Surrendered.*

Indiana 5 per cents.....	8,500 00
Indiana 2½ per cents.....	390 00
Pennsylvania 5 per cents .....	67,000 00
<b>Total</b> .....	<b>75,890 00</b>

*Balance of Stocks on hand, to-wit :*

Indiana 5 per cents.....	50,500 00
Pennsylvania 5 per cents.....	14,000 00
<b>Total</b> .....	<b>\$64,500 00</b>

## WAYNE BANK, AT RICHMOND.

Total amount of circulation .....	\$100,000 00
Circulation returned and canceled .....	67,095 00
<b>Balance outstanding</b> .....	<b>32,905 00</b>

## STOCK ACCOUNT.

*Stocks Deposited.*

Virginia 6 per cents.....	100,000 00
Ohio 6 per cents.....	16,147 50
	<b>116,147 50</b>

*Stocks Surrendered.*

Virginia 6 per cents...	66,500 00
Ohio 6 per cents.....	16,147 50
	<b>82,647 50</b>

*Balance of Stocks on hand.*

Virginia 6 per cents.....	33,500 00
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## FARMERS' BANK, AT JASPER.

Total amount of circulation .....	\$47,496 00
Circulation returned and canceled .....	15,134 00
<b>Balance outstanding</b> .....	<b>32,362 00</b>

## STOCK ACCOUNT.

*Stocks Deposited.*

Pennsylvania 5 per cents.....	49,000 00
Indiana 5 per cents.....	5,000 00
Total.....	54,000 00

*Stocks Surrendered.*

Pennsylvania 5 per cents.....	17,000 00
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*Balance of Stocks on hand, to-wit :*

Pennsylvania 5 per cents.....	32,000 00
Indiana 5 per cents.....	5,000 00
Total.....	\$37,000 00

## BANK OF ALBION, AT ALBION.

Total amount of circulation.....	\$41,340 00
Circulation returned and canceled.....	10,860 00
Balance outstanding.....	30,480 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Pennsylvania 5 per cents.....	47,000 00
Stocks surrendered.....	12,000 00
Balance on hand, Penn. 5 per cents.....	\$35,000 00

## BANK OF SOUTH BEND, AT SOUTH BEND.

Total amount of circulation.....	\$100,000 00
Circulation returned and canceled.....	59,110 00
Balance outstanding.....	40,890 00

## STOCK ACCOUNT.

*Stocks Deposited.*

North Carolina 6 per cents.....	50,000 00
Virginia 6 per cents.....	50,000 00
Total.....	100,000 00

*Stocks Surrendered.*

North Carolina 6 per cents .....	28,000 00
Virginia 6 per cents .....	29,000 00
Total .....	<u>57,000 00</u>

*Balance of Stocks on hand as follows :*

North Carolina 6 per cents .....	22,000 00
Virginia 6 per cents .....	21,000 00
Total .....	<u>43,000 00</u>

## SALEM BANK, AT SALEM.

Total amount of circulation .....	\$49,972 00
None returned.	

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents .....	5,000 00
Louisiana 6 per cent .....	40,000 00
Virginia 6 per cents .....	5,000 00
Total .....	<u>50,000 00</u>

No stocks surrendered.

## BANK OF AUBURN, AT AUBURN.

Total amount of circulation .....	\$9,996 00
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Circulation all returned and canceled.

## STOCK ACCOUNT.

*Stocks Deposited.*

Virginia 6 per cents .....	10,000 00
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*Stocks Surrendered.*

Virginia 6 per cents .....	10,000 00
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## SHAWNEE BANK AT ATTICA.

Total amount of circulation .....	\$48,994 00
Circulation returned and canceled.....	17,500 00
	<hr/>
Balance of notes outstanding.....	31,494 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Louisiana 6 per cents.....	49,500 00
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*Stocks Surrendered.*

Louisiana 6 per cents.....	18,000 00
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*Balance of Stocks on hand.*

Consisting of Louisiana 6 per cents .....	\$31,500 00
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## HUNTINGTON COUNTY BANK, AT HUNTINGTON.

Total amount of circulation.....	\$49,995 00
No circulation returned.	

## STOCK ACCOUNT.

Virginia 6 per cents. . . . .	50,000 00
None surrendered.	

## ORANGE COUNTY BANK, AT POSEYVILLE.

Total amount of circulation.....	\$19,554 00
Circulation returned and canceled.....	6,754 00
	<hr/>
Balance outstanding.....	12,800 00

## STOCK ACCOUNT.

*Stocks Deposited.<sup>1</sup>*

Indiana 5 per cents.....	20,000 00
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*Stocks surrendered.*

Indiana 5 per cents.....	72,200 00
	<hr/>
Balance of Indiana 5 per cents .....	\$12,800 00



## BANK OF MONTICELLO AT MONTICELLO.

Total amount of circulation.....	\$50,000 00
No circulation returned.	

## STOCK ACCOUNT.

*Stocks Deposited.*

Virginia 6 per cents.....	50,000 00
None surrendered.	

## BANK OF THE CAPITAL AT INDIANAPOLIS.

Total amount of circulation.....	\$12,000 00
None returned.	

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 2½ per cents.....	22,000 00
None surrendered.	

## BANK OF T. WADSWORTH AT MICHIGAN CITY.

Total amount of circulation.....	\$49,998 00
Circulation returned and canceled.....	49,000 00
	<hr/>
Balance outstanding.....	998 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Missouri 6 per cents.....	50,000 00
Stocks surrendered.. .	49,000 00
	<hr/>
Balance on hand, Missouri 6 per cents.....	1,000 00

## WABASH RIVER BANK AT NEW CORYDON.

Total amount of circulation returned.....	\$60,000 00
Circulation returned and canceled.....	23,000 00
	<hr/>
Balance outstanding.....	37,000 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Virginia 6 per cents.....	59,000 00
Stocks surrendered.....	22,000 00
	<hr/>
Balance on hand, Virginia 6 per cents.....	\$37,000 00

## BANK OF ROCKPORT AT ROCKPORT.

Total amount of circulation.....	\$50,000 00
Circulation returned and canceled.....	44,000 00
	<hr/>
Balance outstanding.....	6,000 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Missouri 6 per cents.....	\$50,000 00
Stocks surrendered.....	44,000 00
	<hr/>
Balance on hand, Missouri 6 per cents.....	\$6,000 00

## BANK OF PERRYSVILLE AT PERRYSVILLE.

Total amount of circulation.....	\$15,996 00
Circulation returned and canceled.....	6,000 00
	<hr/>
Balance outstanding.....	9,996 00

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 2½ per cents.....	10,000 00
Missouri 6 per cents.....	12,000 00
Virginia 6 per cents.....	4,000 00
	<hr/>
Total.....	26,000 00

*Stocks Surrendered.*

Indiana 5 per cents.....	10,000 00
Missouri 6 per cents.....	6,000 00
	<hr/>
	\$16,000 00

*Balance of Stocks on hand, to-wit :*

Virginia 6 per cents.....	4,000 00
Missouri 7 per cents.....	6,000 00
Total.....	<u>\$10,000 00</u>

## BANK OF BRIDGEPORT AT BRIDGEPORT.

Total amount of circulation.....	\$23,998 00
Circulation returned and canceled.....	12,010 00
Balance outstanding.....	<u>13,898 00</u>

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents .....	26,000 00
Stocks surrendered .....	12,000 00

*Stocks on hand.*

Indiana 5 per cents. . . . .	14,000 00
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## STARKE COUNTY BANK AT KNOX.

Total amount of circulation.....	\$14,860 00
Circulation returned and canceled.....	13,380 00
Balance.....	<u>1,480 00</u>

## STOCK ACCOUNT.

*Stocks Deposited.*

Virginia 6 per cents.....	14,500 00
Stocks surrendered.....	13,000 00

*Stocks on hand.*

Virginia 6 per cents.....	\$1,500 00
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## AGRICULTURAL BANK, AT MT. STERLING.

Total amount of circulation.....	\$21,690 00
Circulation returned and canceled.....	5,790 00
Balance outstanding.....	<u>15,900 00</u>

## STOCK ACCOUNT.

*Stocks Deposited.*

Virginia 6 per cents.....	22,000 00
Louisiana 6 per cents.....	1,000 00
Total.....	<u>23,000 00</u>

*Stocks Surrendered.*

Virginia 6 per cents.....	7,000 00
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*Balance of Stocks on hand.*

Virginia 6 per cents.....	15,000 00
Louisiana 6 per cents.....	1,000 00
Total.....	<u>\$16,000 00</u>

## BANK OF NORTH AMERICA AT CLINTON.

Total amount of circulation.....	\$15,720 00
No circulation returned.	

## STOCK ACCOUNT.

*Stocks Deposited.*

Indiana 5 per cents.....	7,000 00
Virginia 6 per cents.....	4,000 00
Missouri 6 per cents.....	6,000 00
Stocks on hand, as above.....	<u>\$17,000 00</u>

## BANK OF PAOLI, AT PAOLI.

Total amount of circulation.....	\$24,996 00
No circulation returned.	

## STOCK ACCOUNT.

*Stocks Deposited.*

Louisiana 6 per cents.....	25,000 00
Stocks on hand as above.....	25,000 00

## SAVINGS BANK OF INDIANA, AT CONNERSVILLE.

Total amount of circulation .....	\$4,000 00
No circulation returned.	

## STOCK ACCOUNT.

*Stocks Deposited.*

Virginia 6 per cents .....	1,000 00
Missouri 6 per cents .....	2,000 00
Louisiana 6 per cents .....	1,000 00
	<hr/>
Stocks on hand as above .....	\$4,000 00

## RECAPITULATION.

*Showing the amount of Circulation issued, canceled, and yet outstanding, and the amount of securities on hand, at their par value, on the 25th January, 1855.*

Number	NAME OF BANK.	Location.	CIRCULATION.			Bonds on deposit at their par value.
			Total Issue.	Amount Canceled.	Balance outstanding.	
1	Bank of Connorsville.....	Connorsville.....	\$834,850 00	\$562,998 00	\$271,852 00	\$204,500 00
2	State Stock Bank of Indiana.....	Peru.....	900,520 00	109,470 00	90,850 00	92,300 00
3	Government Stock Bank.....	Lafayette.....	94,560 00	77,260 00	17,300 00	19,500 00
4	Merchants' Bank.....	Lafayette.....	50,000 00	33,323 00	16,677 00	25,500 00
5	Merchants' Bank.....	Springfield.....	12,103 00	6,000 00	6,103 00	125,000 00
6	Prarie City Bank.....	Terre Haute.....	211,672 00	101,691 00	109,981 00	100,000 00
7	Southern Bank of Indiana.....	Terre Haute.....	182,550 00	82,530 00	100,000 00	178,468 00
8	Wabash Valley Bank.....	Logansport.....	208,110 00	81,498 00	126,612 00	35,000 00
9	State Stock Bank.....	Logansport.....	214,086 00	180,474 00	33,612 00	47,000 00
10	Gramercy Bank.....	Lafayette.....	108,834 00	62,949 00	45,885 00	65,000 00
11	Indiana Stock Bank.....	Lafayette.....	105,350 00	44,955 00	60,395 00	37,000 00
12	Plymouth Bank.....	Plymouth.....	59,148 00	27,414 00	31,734 00	33,000 00
13	Drovers' Bank.....	Rome.....	52,821 00	20,022 00	32,799 00	32,000 00
14	Public Stock Bank.....	Newport.....	135,612 00	103,504 00	31,808 00	42,710 00
15	Bank of North America.....	Newport.....	64,610 00	21,900 00	42,710 00	35,000 00
16	State Stock Security.....	Newport.....	106,218 00	85,468 00	20,750 00	37,500 00
17	Traders' Bank.....	Indianapolis.....	137,566 00	118,077 00	19,489 00	59,000 00
18	Western Bank.....	Plymouth.....	100,374 00	41,975 00	58,399 00	50,000 00
19	Canal Bank.....	Evansville.....	70,000 00	20,000 00	50,000 00	48,000 00
20	Fayette County Bank.....	Evansville.....	81,251 00	33,251 00	48,000 00	58,902 00
21	Northern Indiana.....	Connorsville.....	100,002 00	41,100 00	58,902 00	49,000 00
22	New York Stock Bank.....	Logansport.....	119,000 00	70,000 00	49,000 00	50,000 00
23	Bank of Indiana.....	Vincennes.....	49,993 00	.....	49,998 00	135,000 00
24	Elkhart County Bank.....	Michigan City.....	207,500 00	234,075 00	133,425 00	92,000 00
25	Steuben County Bank.....	Goshen.....	152,488 00	84,150 00	68,338 00	70,100 00
26	Crescent City Bank.....	Angola.....	77,000 00	10,000 00	67,000 00	70,577 50
27	Indiana Bank.....	Evansville.....	68,400 00	13,110 00	55,300 00	52,000 00
28	Central Bank.....	Indianapolis.....	23,000 00	271,000 00	52,000 00	17,000 00
29	Bank of Albany.....	New Albany.....	86,073 00	69,138 00	16,935 00	139,500 00
30	State Stock Bank.....	Jamesstown.....	260,700 00	240,105 00	129,595 00	83,500 00
31	Bank of Covington.....	Covington.....	154,999 00	71,611 00	83,388 00	50,000 00
32	Great Western Bank.....	Terre Haute.....	138,600 00	29,109 00	50,791 00	50,000 00



33	Bank of Rochester.....	170,001 00	71,645 00	98,356 00	100,500 00
34	New York and Virginia State Stock.....	236,377 00	185,023 00	51,051 00	53,000 00
35	Bank of Rensselaer.....	114,000 00	53,447 00	60,553 00	60,500 00
36	Wayne Bank.....	127,760 00	74,940 00	52,820 00	53,500 00
37	Brookville Bank.....	93,039 00	52,038 00	43,001 00	43,000 00
38	Bank of Attica.....	149,950 00	57,390 00	92,560 00	95,800 00
39	Delaware County.....	90,023 00	49,153 00	40,834 00	41,000 00
40	Bank of Goshen.....	110,500 00	56,176 00	54,324 00	68,000 00
41	La Grange Bank.....	57,122 00	.....	57,122 00	67,050 00
42	Hoosier Bank.....	49,985 00	.....	49,985 00	50,000 00
43	Bank of Syracuse.....	48,000 00	10,607 00	37,393 00	62,100 00
44	North Western Bank.....	300,000 00	176,500 00	123,500 00	125,500 00
45	Bank of America.....	49,998 00	11,000 00	38,998 00	41,000 00
46	Bank of Fort Wayne.....	149,985 00	86,010 00	63,975 00	65,000 00
47	Bank of Elkhart.....	30,498 00	.....	30,498 00	35,000 00
48	Atlantic Bank.....	19,806 00	6,000 00	13,806 00	23,259 50
49	Wabash River.....	120,000 00	51,000 00	69,000 00	69,000 00
50	Cambridge City Bank.....	30,000 00	.....	30,000 00	30,000 00
51	Bank of Rockville.....	50,000 00	.....	50,000 00	50,000 00
52	Tippencanoe Bank.....	56,990 00	15,000 00	41,990 00	42,000 00
53	Farmers' Bank.....	87,152 00	40,000 00	47,152 00	56,272 50
54	Traders' Bank.....	59,998 00	26,000 00	23,998 00	24,000 00
55	Kentucky Stock Bank.....	48,000 00	.....	48,000 00	48,300 00
56	Farmers' and Mechanics'.....	50,000 00	37,000 00	13,000 00	13,500 00
57	State Stock Bank.....	56,003 00	16,500 00	39,503 00	39,500 00
58	Wabash River.....	300,000 00	172,075 00	127,925 00	130,000 00
59	Traders' Bank.....	75,400 00	6,500 00	68,900 00	89,000 00
60	Bank of Warsaw.....	46,306 00	10,729 00	35,577 00	56,187 50
61	Merchants' and Mechanics'.....	49,998 00	.....	49,998 00	50,000 00
62	Bank of Mount Vernon.....	97,414 00	21,314 00	75,500 00	75,500 00
63	Indian Reserve.....	47,996 00	10,380 00	37,616 00	39,000 00
64	Greene County.....	81,105 00	23,105 00	58,000 00	58,000 00
65	Farmers' and Mechanics'.....	58,500 00	24,888 00	33,612 00	33,500 00
66	Laurel Bank.....	57,000 00	1,000 00	56,000 00	50,000 00
67	Bank of Salem.....	99,996 00	26,000 00	73,996 00	74,000 00
68	Kalamazoo Bank.....	49,998 00	22,000 00	27,998 00	28,000 00
69	Upper Wabash.....	240,000 00	149,290 00	99,710 00	104,000 00
70	Perry County Bank.....	112,000 00	40,001 00	61,999 00	64,500 00
71	Wayne Bank.....	100,000 00	67,095 00	32,905 00	33,500 00
72	Farmers' Bank.....	47,490 00	15,134 00	32,362 00	37,000 00
73	Bank of Albion.....	41,340 00	10,860 00	30,480 00	35,000 00
74	Bank of South Bend.....	100,000 00	59,110 00	40,890 00	43,000 00
75	Salem Bank.....	49,972 00	.....	49,972 00	50,000 00
76	Bank of Auburn.....	9,996 00	9,996 00	.....	.....
77	Shawnee Bank.....	48,994 00	17,500 00	31,494 00	31,500 00
78	Huntington County.....	49,995 00	.....	49,995 00	50,000 00
79	Orange County.....	19,554 00	6,754 00	12,800 00	12,800 00
80	Bank of Monticello.....	50,000 00	.....	50,000 00	50,000 00
81	Bank of the Capital.....	12,000 00	.....	12,000 00	22,000 00

# RECAPITULATION—Continued.

Number.	NAME OF BANK.	Location.	CIRCULATION.				Bonds on de- posite at their par value.
			Total Issue.	Amount canceled.	Balance outstanding.		
82	Bank of T. Wadsworth.....	Michigan City.....	\$40,998 00	\$49,000 00	\$998 00	\$1,000 00	
83	Wabash River.....	New Corydon.....	60,000 00	23,000 00	37,000 00	37,000 00	
84	Bank of Rockport.....	Rockport.....	50,000 00	44,000 00	6,000 00	6,000 00	
85	Bank of Perrysville.....	Perrysville.....	15,996 00	6,000 00	9,996 00	10,000 00	
86	Bank of Bridgeport.....	Bridgeport.....	23,998 00	10,100 00	13,898 00	14,000 00	
87	Starke County.....	Knox.....	14,850 00	13,380 00	1,470 00	1,500 00	
88	Agricultural Bank.....	Mount Sterling.....	21,680 00	5,790 00	15,890 00	16,000 00	
89	Bank of North America.....	Clinton.....	15,750 60	.....	15,820 00	17,000 00	
90	Bank of Paoli.....	Paoli.....	24,996 00	.....	24,996 00	25,000 00	
91	Savings Bank of Indiana.....	Connersville.....	4,000 00	.....	4,000 00	4,000 00	
	Total.....	.....	\$9,502,330 40	\$4,920,497 00	\$4,581,833 00	\$4,941,515 00	

## SUPPLEMENT.

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HON. JOHN R. CRAVENS,

*Chairman of the Joint Committee :*

The undersigned, appointed by said committee to make examination of the Auditor's office, in relation to the banking department, as a supplement to their former communication on the subject would report the following :

In pursuance to instructions received from said committee, immediately on their appointment submitted to the cashier of each bank in the State the annexed interrogatories, and requested an answer thereto, verified by affidavit, but which, up to this time, have been responded to by only fifteen out of the whole number of banks organized in the State. Whether the interrogatories were not received by those failing to answer, or whether they were unable to give a satisfactory reply thereto, we are not advised.

Such of their statements as we have received are herewith submitted.

Respectfully yours,

JOHN HUNT,  
E. W. H. ELLIS,  
J. R. SLACK.

The following are the interrogatories :

[CIRCULAR.]

INDIANAPOLIS, Jan. 25, 1855.

*President or Cashier of ——— Bank :*

SIR :—Acting under the appointment and direction of a joint committee of the General Assembly of the State of Indiana, with a view of procuring a correct statement of the condition of the sev-

eral Free banks of the State and for the purpose of promoting confidence and allaying public apprehensions the undersigned solicit an immediate reply to the following interrogatories, verified by affidavit, to-wit:

1. What amount of circulation have you received from the Auditor of State, and what amount have you returned to him for cancellation?

2. State the amount and description of stocks deposited as collateral with the Auditor, and the amount and description of stocks withdrawn from his office.

3. State whether your Bank has at any time refused to redeem its notes in specie on presentation, and whether it is now redeeming.

4. State whether your Bank has heretofore, or has now, a regular office for the transaction of banking business.

5. State the names of present stockholders, and the estimated value of their real and personal estate; also, the names of stockholders who have withdrawn from the association during the past year.

An early answer to these inquiries will oblige,

Very respectfully yours,

JOHN HUNT,

J. R. SLACK,

E. W. H. ELLIS.

The following replies were received from each of said Banks:

From the Bank of Goshen—

*To First Interrogatory.*—Amount received, \$110,000. Amount retired, \$55,000, or upwards; and have several thousand in our vault.

*To Second.*—See Auditor's books.

*To Third.*—We are now redeeming and have never refused to.

*To Fourth.*—We have always had an office.

*To Fifth.*—J. H. Barnes, J. H. Defrees, W. A. Thomas, Milton Mercer, and C. Hitchcock. No withdrawing, except E. W. H. Ellis, and C. S. Hascall. We think our five stockholders worth \$150,000.

J. H. BARNES, *Pres't.*

From the Cambridge City Bank the following replies:

CAMBRIDGE CITY, Ind., Feb. 15, 1855.

MESSRS. HUNT, SLACK, AND ELLIS:

GENTS—Your circular of 25th of January is just received: this day we reply.

*First.*—This Bank received thirty thousand dollars of notes from the Auditor, for circulation.

*Second.*—Our bonds deposited with the Auditor are \$10,000 of Indiana bank bonds, and \$20,000 of Indiana five per cent. stocks.

*Third.*—This Bank has never refused to redeem her notes in coin, on demand and now holds over \$18,000 of her notes in vault, leaving but a little over \$11,000 in circulation.

*Fourth.*—We have a good office, good iron and brick vault, and a good safe inside the vault; as good fixtures as any bank west of the mountains.

*Fifth.*—For list of stockholders I refer you to our January report to Auditor.

Respectfully yours,

J. W. BURSON, *Cashier.*

From the Indiana Bank the following replies:

MADISON, IND., Feb. 15, 1855.

MESSRS. JOHN HUNT, J. R. SLACK, E. W. H. ELLIS:

Your printed circular, dated January 25, received last evening, and I can answer it as follows, to-wit:

<i>First.</i> —Whole circulation received.....	\$68,400 00
Returned unsigned.....	\$1,900
Returned to be canceled.....	11,200
	<hr/> 13,100 00

Amount now in circulation and on hand.....	\$55,300 00
--	-------------

<i>Second.</i> —35 Mo. 6 per cent. bonds, \$1,000 each....	\$35,000 00
California 7 per cent. bonds.....	11,500 00
1 Indiana 5 per cent. bond.....	500 00
2 Virginia 6 per cent. bonds....	2,000 00
Indiana 2½ per cent. bonds..	55,077 50
	<hr/> \$104,077 50

We have taken up, to-wit:

California 7 per cent. bonds.....	\$11,500
Indiana 2½ per cent. bonds.....	22,000
	<hr/> 33,500 00
Bonds now with the Auditor,.....	\$70,577 50

*Third.*—have never refused or evaded coin redemption, and never expect to.

*Fourth.*—We have a banking house on the most prominent corner in this city, purchased and fitted up for a banking house, before commencing business, at a cost of over ten thousand dollars.

*Fifth.*—E. R. Butler, Samuel Polleys, R. S. McKee, J. S. Meyer, Philip Scheik, Shrewsbury & Price, A. W. Pitcher, S. M. Strader, Mary A. Pitcher, E. G. Whitney, James Hill. The above all reside in the city of Madison, Ind. There are six other stockholders, resident in Louisville, Ky., and Boston, Mass.

Mr. S. S. Gillett has withdrawn and sold his stock during the past year.

The Madison stockholders paid city taxes last year on two hundred and one thousand two hundred dollars, as appears on the City Treasurer's books. The City Treasurer informed me to-day that this Bank paid last year the largest amount of city tax received from any one firm, individual, or corporation.

E. G. WHITNEY.

STATE OF INDIANA, { SS.  
*Jefferson County.* }

Before me, Moody Park, a notary public in and for said county, this day personally comes the above named E. G. Whitney, President of the Indiana Bank at Madison, who being by me duly sworn according to law, upon his oath says that the above and foregoing statement and answers are true.

[L. S.] Witness my hand and notarial seal, this 15th day of February, 1855. MOODY PARK, *Notary Public.*

From the Fayette County Bank the following replies :

CONNERSVILLE, IND., Feb. 15, 1855.

GENTS:—Your circular dated 25th January, 1855, received, in reply to which I will give a statement as below, viz :

Amount of notes received from Auditor of State for circulation, .....	\$81,250
Notes returned to Auditor of State, ....	\$40,250
Notes on hand, .....	4,000
Notes in circulation, .....	37,000
	<hr/>
	\$81,250

Amount of stocks deposited with the Auditor of State :

Virginia 6 per cent. bonds, .....	\$41,000
Virginia 6 per cent. bonds on hand, . . . . .	7,000
	<hr/>
Total amount of stocks on hand, .....	\$48,000



## Amount and kind of stocks withdrawn from Auditor of State:

Kentucky 6 per cent. bonds	-	-	-	-	-	\$2,000
12,500 Indiana 2½ per cent. bonds,	-	-	-	-	-	6,250
Virginia 6 per cent. bonds,	-	-	-	-	-	39,000
Total amount of stocks withdrawn,						<hr/> \$47,250

We have never at any time refused to pay coin for our notes on presentation.

NAMES OF PRESENT STOCKHOLDERS.—M. Helm, Benj. Caldwell, James McCollem, J. Higinbotham & Co., Samuel Backhouse, G. Stradley, Miller & Houston, Wm. Hawk, Miner Meeker, Mary Helm, W. T. Hensley, John Caldwell, Sherman Scofield, Isaac Myer, A. B. Claypool, John Huston, Merchant Kelly, Wm McIlwaine, John Clifford, W. H. Beck, George Scott, N. Claypool, Mary Claypool, Thos. H. C. Allen, Josiah Mullikin, Anthony Watt, E. F. Claypool, Henry Simpson, John P. Williams, Joseph Caldwell, W. W. Thomas, Amos R. Edwards, Wm. Newkirk, U. Tate, W. W. Frybarger, S. Wilson, N. McIlwaine, Robert Baty, Charles Frost, Lydia Ginn, D. F. Thomas, W. H. Wherrett, Eli W. Scotton, Jas. Dickey, J. D. Ross, W. F. Gebhart, Henry Goodlander, Limpus & Brothers, John G. Kershner, L. D. Allen, Joseph W. Groves, J. A. James, P. H. & F. M. Roots, Henry Rider, John Reid, William Walker, Thos. Burton, Jesse Holton, B. M. Pumphrey, Wm. Simpson, Wm. D. Ross, James Heron, W. P. Bolon; Train Caldwell — 64. Their present worth is not less than five hundred thousand dollars.

Very respectfully yours,

E. F. CLAYPOOL, *Cashier*.

From the New York and Virginia State Stock Bank the following replies:

Evansville, Ind., Feb. 20, 1855.

MESSRS. JNO. HUNT AND OTHERS:

*Gentlemen*: Herewith please find answer to interrogatories, as per your circular.

*First*.—This bank has received from Auditor of State circulating notes to the amount of \$232,476. Up to the 1st of January last, we returned to the Auditor \$159,476—leaving as in circulation at that time \$73,000. Since the 1st January the above amount has been reduced by redemptions to about \$50,000. The precise amount *now* outstanding cannot be given, as, independent of the redemptions at the bank, we are also redeeming in New York and Cincinnati.

*Second.*—The bonds deposited with the Auditor are in description and amount, viz.

Virginia 6 per cent. bonds,	-	-	-	-	-	\$224,000
Kentucky six per cent. bonds,	-	-	-	-	-	6,000
Georgia six per cent. bonds,	-	-	-	-	-	3,000
Making total amount deposited,						\$233,000

The Kentucky and Georgia bonds have been taken up, there being now in his hands none other than Virginias.

*Third.*—This Bank has never at any time refused or failed promptly to redeem its notes in coin, on demand, and is continuing so to redeem.

*Fourth.*—Has always heretofore, and still has, a regular office for the transaction of banking business.

*Fifth.*—Present stockholders—J. S. Atwood, New York, John Reber, Ohio. Am unable to state the present value of their real and personal estate, but know that they are amply able to liquidate every liability of the bank, without recourse to its bonds.

STATE OF INDIANA, }  
Vanderburgh County. } SS.

Before me personally appears C. F. Garaghty, Cashier of the New York and Virginia State Stock Bank, who, after being duly sworn, says that the matters and things set forth in the above answers, which correspond in number to printed interrogatories of Jno. Hunt and others, are true, to the best of his knowledge and belief.

C. F. GARAGHTY, *Cashier.*

Sworn and subscribed before me, this 20th of February,

[L. s.] 1855.

H. Q. WHEELER, *Notary Public.*

From the Hoosier Bank the following replies.

Logansport, Ind., Feb 15, 1855.

MESSRS. JOHN HUNT, J. R. SLACK AND E. W. H. ELLIS :

*Gents:*—In reply to your circular of the 25th ult., soliciting answers to questions therein made, I answer as follows :

*First.*—Amount of circulation received from Auditor of State, \$49,985. Returned none for cancelation.

*Second.*—Amount and description of stocks deposited as collateral with Auditor :

Louisiana 6 per cents, payable in New York,	-	-	-	\$34,000
Missouri 6 per cents,	-	-	-	16,000

Withdrawn none.

50,000

*Third.*—Have never refused to redeem in specie, with one exception, and then offered eastern exchange at par, or Cincinnati funds at  $1\frac{1}{2}$  per cent. discount, and are still redeeming.

*Fourth.*—Have had, and still have, a regular office for transacting banking business.

*Fifth.*—Names of present stockholders, Phillip Pollard and David M. Dunn. Estimated value of their real and personal estate, from fifty to seventy-five thousand dollars. None withdrawn during the year.

E. POLLARD, *Pres't.*

[L. s.)      Subscribed and sworn to before me, this 15th day of  
February, 1855      Witness my hand and notarial  
seal.      WILLIAM CHASE, N. P.

From the Huntington County Bank the following replies:

FEBRUARY 18th, 1855.

GENTLEMEN:—The following answers to the interrogatories stated in your circular addressed to this bank, dated at Indianapolis, January 25th, 1855, is respectfully submitted:

Amount of circulation received from Auditor of State..	\$49,995
Of which there is now in circulation.....	\$26,995
Amount on hand, redeemed.....	23,000
	<hr/>
	49,995

No circulation returned to Auditor for cancelation.

Amount of Virginia 6 per cent. stocks deposited with Auditor of State:.....	50,000
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No stocks withdrawn from Auditor.

This Bank has never failed to redeem its notes in specie on presentation—except in a few cases to brokers, and then its notes were redeemed in currency or exchange.

It has for some time past, and does now, redeem in specie without exception.

This bank has a regular banking house, which has been open during the regular business hours, since its commencement.

The following are the names of the stockholders and the estimated value of their real and personal estate. As I have no positive data from which to make such estimate, I have made it from my own knowledge, and such information as I could obtain:

James Weldan .....	\$50,000	J. R. Weldan.....	\$6,000
C. T. Sherman.....	30,000	D. W. Anderson.....	1,000
Samuel Lewis.....	30,000	S. H. Purviance.....	10,000
H. Colby.....	10,000	Samuel Moore.....	15,000
Chas. Hedges.....	20,000	John Roche.....	15,000
George Quinby.....	20,000	Benjamin Orton.	

To JOHN HUNT, J. R. SLACK, and E. W. H. ELLIS, Esqrs.

STATE OF INDIANA, }  
*Huntington County,* } SS:

Personally appeared before me the undersigned, District Judge, of said county, James R. Weldan, who being by me duly sworn on his oath says that the matters stated in the annexed report, relative to the Huntington County Bank, are just and true as he verily believes:  
 J. R. WELDAN.

Sworn to and subscribed before me this 10th day of  
 [L. s.] February, 1855.  
 W. B. LONGBRIDGE, *District Judge.*

From the Bank of Monticello, Indiana, the following replies:

MONTICELLO, February 16th, 1855.

Messrs. JOHN HUNT, J. R. SLACK, and E. W. H. ELLIS:

GENTS:—Your circular of Jan. 25th, 1855, this day received—below find my answers to the several inquiries:

*First*—We have received \$50,000 in notes for circulation from the Auditor of State. None returned for cancelation.

*Second*.—We have deposited \$50,000 Virginia 6 per cent. coupon bonds with the Auditor of State as collateral security. Withdrawn none.

*Third*.—We have at all times redeemed our bills when presented in specie, or otherwise, satisfactory to the bill holder, and are now redeeming.

*Fourth*.—This bank has heretofore and has now a regular office for the transaction of banking business.

*Fifth*.—Samuel Rogers, O. Ballard, jr., N. S. Gregg, Marcus Brown, James N. Hawkes, and Israel Gregg. They are all men in good circumstances, two or more of them reputed wealthy—I can not make a satisfactory estimate of their real and personal estate. No changes in stockholders since the commencement of business in September last. All of which is respectfully submitted,

HENRY N. HEDGES, jr., *Cashier.*

Sworn to and subscribed before me, the undersigned  
 Clerk of the White Circuit Court, in and for the  
 [L. s.] county of White, in the State of Indiana, this 16th  
 day of February, 1855.

RANSON McCONOHAY,  
*Clerk of the White Circuit Court.*

From the Kentucky Stock Bank, the following replies :

COLUMBUS, IND., Feb. 15th, 1855.

MESSRS. HUNT, SLACK, and ELLIS :

GENTLEMEN:—In answer to your circular of the 25th, I furnish the annexed statement :

Notes received from Auditor, (none canceled), . . . .	\$47,993
Kentucky 6 per cent. bonds, . . . . .	\$14,000
Louisiana 6 per cent. bonds, . . . . .	11,000
Georgia 6 per cent. bonds, . . . . .	6,500
Missouri 6 per cent. bonds, . . . . .	4,000
Indiana 5 per cent. bonds, . . . . .	14,500
	<hr/>
	\$50,000

We have always redeemed in *coin* on demand.

We have an office, open five hours of each day, Sundays excepted.

Twenty thousand dollars of this Stock is owned by Wm. McEwen, whose real and personal property is worth \$50,000; \$20,000 is owned by W. F. Pidgeon, who is worth \$20,000; \$10,000 is owned by B. F. Jones, who is worth \$7,500—total \$77,500.

STATE OF INDIANA, }  
Bartholomew County. } SS.

Personally appeared before the undersigned, Notary Public of said county, Berry F. Jones, Cashier of Kentucky Stock Bank, being duly sworn says that the within statement is true as he verily believes.  
B. F. JONES, Cashier.

GIVEN under my hand, and the seal of my office at Columbus, Indiana, February 25th, 1855.  
[L. s.] JOHN B. ABBETT, Notary Public.

From the Gramercy Bank the following replies :

*First.*—Received \$114,900, and returned \$81,400, leaving a circulation of \$33,500.

*Second.*—\$13,500 Indiana fives: \$10,000 Missouri; \$10,000 Louisiana.

*Third.*—We have never in a single instance refused payment in coin, are now redeeming and will so continue.

*Fourth.*—It always had an office and has now.

*Fifth.*—E. F. Nexren, E. Ladd, C. W. Wheelock, their aggregate real and personal estate will amount to over \$50,000.

From the Crescent City Bank, the following replies :

EVANSVILLE, IND., Feb. 17th, 1855.

Answers to interrogatories propounded by direction of a joint committee of the General Assembly of the State of Indiana.

*First.*—We have received from the Auditor of State notes of this Bank, the sum of \$77,090, and we have returned to him for cancellation the sum of \$10,000. leaving \$67,090.

*Second.*—We have deposited as collateral with the Auditor of State, Indiana five per cent. stocks \$74,600 ; Kentucky six per cent. stocks \$2,500, and we have withdrawn \$77,100, Indiana five per cent. stocks, \$7,000 leaving on deposit with the Auditor of State, Indiana five per cent. stocks \$67,600, Kentucky six per cent. stocks \$2,500, \$70,100.

*Third.*—This bank has never, in a single instance, refused to redeem its notes in specie on presentation, no matter by whom, or in what amounts presented. It is now paying coin, and intends always to do so, while any of its notes remain in circulation.

*Fourth.*—Ever since its organization this Bank has had, and now has a regular office (for its own exclusive use), for the transaction of Banking business.

*Fifth.*—Present stockholders, Willard Carpenter, John A. Reitz, Clemens Reitz, Philip Decker, Jacob Lunkenheimer, Henry D. Allis, Lewis Howes, Samuel Orr, Thomas E. Garvin, Conrad Baker and William Baker, all of Evansville, Indiana, Samuel Hall of Princeton, Ind., William J. Ball, of Terre Haute, Ind., Alvin B. Carpenter, of Beloit, Wisconsin, and James X. McLanahan, Hezekiah Easton, Samuel D. Culbertson, James Nill, Thomas J. Early, Joseph M. Heister, Henry S. Stoner, George W. Brewer, and Daniel O. Gehr, of Franklin county, Pennsylvania. I am not able to make an accurate estimate of the value of their real and personal estate, but it is certainly not less than one million of dollars, of which the resident stockholders own at least one half. No stockholder has ever withdrawn from this Bank.

*Additional.*—The \$7,000 bonds withdrawn were Indiana coupon bonds, and were withdrawn on account of reports in circulation that persons had access to the bonds, and that some coupons were taken off. We have not sold them, not needing the proceeds.

Our present circulation outstanding is thirty-eight thousand, nine hundred and ninety-six dollars, and our bonds still on deposit with Auditor of State, as before stated, amounts to \$70,100. The greatest amount our notes in actual circulation at any one time was \$65,508, at which time our bonds deposited \$77,000.

W. BAKER, Cashier.

STATE OF INDIANA, }  
Vanderburgh County. } SS

Before me, a Justice of the Peace in and for said county and



State, personally came William Baker, Cashier of the Crescent City Bank at Evansville, and upon being duly sworn according to law did say that the facts as stated herein, are true to the best of his knowledge and belief.

W. BAKER.

Sworn and subscribed to before me, this 17th day of  
[L. s.] February, 1855.

JAMES. T. WALKER,

*Justice of the Peace.*

From the Bank of Warsaw. the following replies:

Warsaw, Ind., February 16, 1855.

*Gents* :—Your circular was this moment received, and in reply, say the total amount of bonds filed with the Auditor of State originally, are as follows :

Indiana $2\frac{1}{2}$ per cents.....	\$59,694 00
Indiana 5 per cents.....	11,000 00
Total.....	<hr/> 70,694 00
Bills received on above bonds.....	46,308 00
Bills returned and canceled.....	10,229 00
Present circulation.....	<hr/> 36,079 00

Pre-ent bonds on file as security for pre-ent circulation as follows :

Indiana $2\frac{1}{2}$ per cents.....	50,146 50
Indiana 5 per cents.....	6,000 00
Total.....	<hr/> \$56,146 50

Our bank has always paid coin on demand, to all persons presenting our bills, and always will do so.

We have a regular banking house open from 9 to 3 o'clock, all business days.

W. Williams, only stockholder in the bank, his real and personal property worth fifty thousand dollars outside of his State stocks.

Respectfully yours,

W. WILLIAMS, *President.*

From the Northern Indiana Bank, the following replies :

Logansport, Feb. 16th, 1855.

MESSRS. HUNT, SLACK & ELLIS :

*Gents* :—In answer to the circular of January 25th, I would say that I deposited with the Auditor of State, Mr. Dunn, ninety-five thousand 5 per cent. bank bonds, and five thousand Missouri 6 per cent. bonds; and have only received from the Auditor ninety-nine thousand dollars of the circulation or notes of said bank.

I have refused to redeem our notes in specie when presented by what we style Brokers, but in most cases I have offered them other currency, or an order on the Auditor of State for a bond when they presented of our circulation at any time, to the amount of \$1,000. We have always had an office for the transaction of banking business. The amount withdrawn from circulation or returned to the Auditor, I am not at this time able to say, as I have been confined to my room, sick, since the 8th day of January. You can refer to the Auditor for that information.

The names of the stockholders are as follows: James W. Dunn, Logansport, Ind.; (President,) says he is worth over and above all liabilities, twenty thousand dollars. S. B. Kendrick, Logansport, Ind.; (Cashier,) worth over and above all liabilities, fifteen thousand dollars. Stephen Paul, of the firm of Boyd & Paul, New York City, Druggist; reported to be wealthy. Jesse Kilgore, and Messrs. DeKitt, & Co., did own stock, but sold their interest about one year ago, to Jas. W. Dunn. Messrs. A. Rogers, & Co., owned stock in said bank, but sold their interest to S. B. Kendrick, about a year ago.

There is some stock issued to Mrs. S. B. Kendrick, and Messrs. J. B. & M. L. Kendrick, but is considered a part of the stock owned by S. B. Kendrick.

Yours very respectfully,  
S. B. KENDRICK, *Cashier*.

STATE OF INDIANA, }  
Cass County. } SS.

Personally appeared before me the undersigned, a Justice of the Peace, Stewart B. Kendrick, who being duly sworn according to law, upon his oath says, that the above statement is true, to the best of his knowledge and belief.

S. B. KENDRICK.

Subscribed and sworn to, this 16th day February,  
[ L. s. 1855.

GEORGE SMITH, *Justice of the Peace*.

From the Bank of Elkhart the following replies:

*First.*—Have received from Auditor \$30,500, and returned none for cancellation.

*Second.*—\$30,500 Indiana 5 per cents. Returned none for cancellation.

*Third.*—Always redeemed in coin or exchange, when demanded, and are now redeeming promptly.

*Fourth.*—It has.

*Fifth.*—P. Moorehouse, jr., owner of all the capital. None withdrawn. Real and personal estate estimated at \$20,000 00. Have now on hands \$14,000 of my own bank notes which I have taken up.

P. MOREHOUSE, JR., *Pres't.*

February 19, 1855.

From the Bank of Indiana at Michigan City the following replies:

*First.*—\$49,998 circulation received. Returned none.

*Second.*—Deposited \$50,000, viz: \$25,000 Missouri bonds, and \$25,000 Indiana 5 per cents. Withdrawn none.

*Third.*—Never refused to redeem in specie, on presentation; now redeeming whenever any of our paper is presented.

*Fourth.*—Has now, and always has had an office open since we commenced business.

*Fifth.*—C. B. Blair, A. Case, J. Barker, and W. W. Higgins. Value of property, \$200,000. No stockholders withdrawn since commencement.

From the Lagrange Bank the following replies:

*First.*—Received \$57,109. Returned, not a dollar.

*Second.*—All on record. None withdrawn.

*Third.*—Have redeemed at all times, and still continue to.

*Fourth.*—It has, and we do business in a lawful way.

*Fifth.*—J. B. Howe and S. P. Williams. None withdrawn, and none added. Worth \$100,000.

S. P. WILLIAMS, *Cashier.*

The report was laid on the table.

On motion,

1,000 copies ordered to be printed.

Mr. Spann, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred Senate bill No. 51, to prevent injuries and destruction of life on railroads, and by rail-

road trains, to provide for the appointment, and prescribing the duties of railroad commissioners, and to provide for the licensing engineers and conductors; have had the same under consideration, and have directed me to report the bill and pending amendments back to the Senate and recommend that they be laid on the table.

The report was concurred in and the bill ordered to be laid on the table.

Mr. Drew, from a select committee, made the following report :

MR. PRESIDENT :

The select committee to whom was referred Senate bill No. 67, have had the same under consideration, and instructed me to report the bill back to the Senate with the following amendments, and recommend its passage :

Sec. 18, lines 22 and 23 :

Strike out after court and insert "change of venue may be taken to the city Judge when proceedings shall have been commenced before the Mayor, and when proceedings shall have been commenced before the city Judge the change of venue may be taken to the Mayor."

Section 30 line 1:

Add, "a street commissioner if they shall deem it expedient."

Section 9, line 11 :

Strike out "one" and insert "two" Also, after "ward," insert "who shall hold their office one year."

Section 66 :

Strike out all of the section down to the word "city" in the fourth line, and insert "when a majority of the resident owners of the lots or parts of lots of a single block fronting one street or alley, and in case the whole width of the street is desired to be graveled or paved, then a majority of the resident owners of the lots or parts of lots fronting on one street or alley or both sides thereof, and when the resident owners of two-thirds of the whole line of lots bordering on any street or alley exceeding one block or square, and measuring only the front line of such lots as belong to persons resident in such city."

The report was concurred in, amendments adopted, and the bill ordered to be engrossed.

Mr. Hawthorn, from a select committee, made the following report :

MR. PRESIDENT :

The select committee on the geological survey of the State of Indiana, to whom was referred Senate bill No. 121, entitled an act

to provide for a geological, mineralogical and agricultural survey of the State of Indiana, have had the same under consideration, and have directed me to report the same back with the following amendments, and when so amended recommended its passage.

Amend section 5, where it reads December—insert January.

Amend section 9, where it reads four and a-half dollars per day, as the pay for principal geologist—insert five dollars per day. Also, where it reads four and a-half dollars per day for assistants—insert three dollars per day.

The report was concurred in, amendments adopted and the bill ordered to be engrossed.

Leave being granted,

Mr. Meeker, from the committee on Finance, made the following report:

**MR. PRESIDENT :**

The committee on Finance to whom was referred the resolution of the Senate instructing them to report a bill exempting from taxation the personal property of widows not exceeding three hundred dollars, have instructed me to report the following bill:

Senate bill No. 147. A bill to exempt the personal property of widows from taxation, provided the same does not exceed 300 dollars in valuation.

Which was read a first time and passed to a second reading.

Leave being granted,

On motion by Mr. Anthony,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of more effectually prohibiting by law all lotteries, and report by bill or otherwise.

Leave being granted,

On motion by Mr. Tarkington,

*Resolved*, That the committee on County and Township Business be instructed to report a bill giving exclusive jurisdiction to the boards doing county business, of the locating, opening, repairing and vacating roads and highways in each county.

#### BILLS INTRODUCED.

By unanimous consent,

Mr. Sage introduced

Senate bill No. 148. A bill for the collection of the surplus rev-

enue, and other school or trust funds, and making county auditors and county treasurers competent witnesses in suits for the collection of the same.

Which was read a first time and passed to a second reading.

On motion by Mr. Alexander,

The vote adopting the resolution, making *banks* the special order of the day for each afternoon was reconsidered, and the resolution laid on the table.

Leave being granted,

Mr. Woods, from the committee on Education, made the following report:

MR. PRESIDENT:

The committee on Education, to whom was referred Senate bill No. 111. A bill for the incorporation of high schools, academies, colleges, universities, theological institutions and missionary boards, have had the same under consideration, and directed me to report the bill back without amendment and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

#### ORDERS OF THE DAY.

##### *Senate Bills on Second Reading.*

No. 139. A bill to provide for the election of officers for the State Prison, and for the appraisement of the property of said Prison,

Was read a second time, and

On motion by Mr. Slater,

Referred to the committee on Finance.

No. 140. A bill to provide for the government and discipline of the State Prison,

Was read a second time, and

On motion by Mr. Slater,

Referred to the committee on Claims.

No. 141. A bill to amend section 27 of an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto,

Was read a second time, and ordered to be engrossed.

No. 142. A bill to provide for the adoption of children, and changing their names,

Was read a second time, and ordered to be engrossed.



No. 144. A bill to authorize the Governor to contract for the completion of the cells and cell-house at the State Prison, and appropriating a sum of money for the same,

Was read a second time, and

On motion by Mr. Richardson of Spencer.

Referred to the committee on Finance.

*Senate Bills on Third Reading.*

No. 62. A bill to amend the 11th and 18th sections of an act entitled "an act for the more uniform mode of doing township business," approved May 6th 1852,

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bears, Brookshire, Burke, Chapman, Combs, Crane, Cravens, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Richardson of Spencer, Robinson, Sage, Shook, Slater, Suit, Tarkington, Vandevanter, Williams, Wilson, Witherow and Woods—36.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 107. A bill legalizing the filing of copies of original articles of association of railroad companies, formed in pursuance of an act entitled "an act to provide for the incorporation of railroad companies," approved May 11th, 1852,

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Cutshaw, Drew, Freeland, Glazebrook, Griggs, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Williams, Wilson, Witherow and Woods—41.

No Senator voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 108. A bill relating to the reversal of judgements against convicts in the State Prison,

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brown, Burke, Chapman, Combs, Crane, Cravens, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of Spencer, Rugg, Sage, Shook, Suit, Tarkington, Williams, Wilson, Witherow, and Woods—38.

*Those who voted in the negative were,*

Messrs. Alexander, Brookshire, Kightley, Robinson and Spann—5.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 136. A bill to provide for the surrender and exchange of the certificate of stock of the State of Indiana,

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Helm, Hendry, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mathes, Meeker, Parker, Reynolds, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Spann, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—42.

No Senator voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

*House Bills on Third Reading.*

No. 67. A bill to provide for the confinement of persons insane and dangerous now suffered to run at large, and for the compensation of any person to whom the custody of such insane person is committed,

Was read a third time.

On motion by Mr. Sage,

The bill was recommitted to a select committee of three, with instructions to add to section 6 the following:

"And in all cases where such insane persons have heretofore been a charge upon county treasurers, the county commissioners shall have power to collect said charges out of the property of said insane persons under the same restrictions, as are in this section provided.

Senators Sage, Slater and Cravens, were appointed said committee.

No. 87 A bill regulating the fees of officers, and repealing laws in relation thereto.

On motion by Mr. Jackson of Tipton,

The vote ordering the bill to a third reading,

Was reconsidered.

On motion by Mr. Tarkington,

The bill was recommitted to a select committee consisting of Senators Tarkington, Shook, Jackson of Tipton, Cravens and McCleary.

No. 94. A bill to amend the 41st section of an act entitled "an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the conditions of said grant," approved May 29, 1852,

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Herdry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, McCleary, Mansfield, Mathes, Parker, Reynolds, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Sui, Tarkington, Weston, Williams, Wilson, and Witherow—37.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

A message from the House, by Mr. Levering their clerk :

MR. PRESIDENT :

I am directed by the House to inform the Senate, that the House has passed the following engrossed bills thereof, viz :

No. 68. A bill providing for trial of causes in the several circuit courts, in cases in which the circuit judge is interested, or related to either of the parties. Also, providing for the holding of terms of courts when such judge is absent or unable to attend, and repealing sections 3 and 4 of chap. 4 of the 2d vol. revised statutes of 1852, and providing for the compensation of persons holding such courts.

Also,

No. 110. A bill to amend the 32d section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14th, 1852.

Also,

No. 146. A bill to authorize the commissioners of the sinking fund to adjust the unsettled account between the State of Indiana and the Merchants' Bank in the city of New York, and to pay \$5,716 90 due with interest.

House bills Nos. 68 and 146 contained in the foregoing message, were each read a first time and passed to a second reading.

House bill No. 110 contained in the foregoing message,  
Was read a first time.

Mr. Anthony moved to suspend the rules and read the bill a second time by its title.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Cutshaw, Drew, Ensey, Freeland, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Mansfield, Mathes, Reynolds, Richardson of Spencer, Rugg, Sage, Shook, Slater, Suit, Tarkington, Vandevanter, Williams, Wilson, Witherow and Woods—36.

No Senator voting in the negative.

So the rules were suspended and the bill read a second time by its title.

Mr. Hosbrook moved to amend the bill as follows :

SEC. — Any person who shall advertise or publish any lottery or scheme for the division of property to be determined by chance, or when a division of any part of such property is to be determined

by lot, or chance of any kind, either directly or indirectly, shall, on conviction, be fined not exceeding one hundred dollars and not less than twenty-five dollars, for each advertisement or publication.

SEC. — Any person making any lottery scheme for the division of property to be determined by chance, or when any part of said division is to be determined by chance, and going or sending without this State to draw or determine the same, all persons connected therewith shall be guilty of a misdemeanor, and on conviction, shall be fined not exceeding one thousand dollars and not less than twenty-five

On motion by Mr. Anthony,

The bill and pending amendments were referred to the committee on the Judiciary.

Leave being granted,

On motion by Mr. Brookshire,

*Resolved*, That the committee on county and township business be instructed to report a bill at as early a day as convenient, providing for the enumeration of all the white male inhabitants over the age of twenty-one years in the State of Indiana.

Leave being granted,

Mr. Suit, from the committee on the Judiciary, made the following report:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred Senate bill No. 116, "a bill to legalize transactions had under the revised statutes of 1852 and the acts of 1853, before the same came into force," have had the same under consideration, and have directed me to report that any legislation thereon is inexpedient, and recommend that the bill be indefinitely postponed.

The report was concurred in, and the bill indefinitely postponed.

A message from the House, by Mr. Levering, their Clerk

MR. PRESIDENT:

I am instructed by the House to inform the Senate that the House has passed the following engrossed bills thereof:

House bill No. 92. A bill to provide for the issuing certificates in cases of the casual destruction of out-standing State bonds, and of duplicates in cases of the destruction of State certificates of stock,"

In which the concurrence of the Senate is respectfully requested.

House bill No. 92, contained in the foregoing message,

Was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Freeland introduced

Senate bill No. 149. A bill authorizing the commissioners on swamp lands to compensate for ditching and draining where such has been completed by private enterprise, and was necessary to the draining of swamp lands belonging to the State, or which has been or may be sold as such.

Which was read a first time and passed to a second reading.

On motion by Mr. Woods,

The vote by which Senate bill No. 67, a bill to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities—was ordered to be engrossed,

Was reconsidered.

Mr. Woods moved to amend section 84, by striking out after the words "owner thereof which," "has been heretofore or."

Which was agreed to.

Mr. Jackson of Tipton, moved to amend by adding the following:

SEC. — The common council of any city, are hereby authorized to levy a tax not exceeding thirty cents on every hundred dollars worth of property assessed in said city to be expended in sustaining schools.

Which was agreed to.

The bill was then ordered to be engrossed.

Mr. McCleary, chairman of the committee on Finance, made the following report:

MR. PRESIDENT:

The committee to whom was referred Senate bill No. 101 with instructions, respectfully report that they ask the passage of the bill, approving of its details, save, the compensation allowed the chaplain of the State Prison for his services, the remainder of the items embraced in the bill, are approved by the committee. It is the opinion of the committee, that the appointment of a chaplain has the effect to increase the expenditures of the State without affording that relief which is intended—and ask to be discharged from further consideration of the subject.

No. 101. A bill to provide for the compensation to the Judges of the Supreme and Circuit courts, amendatory to the constitution.

The report was concurred in.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Brown, Burke, Combs, Crane, Ensey, Harris, Hawthorn, Jackson of Tipton, McCleary, Reynolds, Robinson, Rugg, Suit, and Woods—16.



*Those who voted in the negative were,*

Messrs. Bearss, Brookshire, Chapman, Cravens, Cutshaw, Glazebrook, Hendry, Hosbrook, Hostetler, Jackson of Madison, Kightley, Mansfield, Mathes, Richardson of Spencer, Sage, Shook, Slater, Tarkington, Vandevanter, Wilson, and With row—21.

So the bill did not pass.

On motion by Mr. Tarkington,

Senate bill No. 128. A bill to provide for a general and uniform system of common schools and school libraries and matters properly connected therewith and to repeal all former acts inconsistent therewith,

Was taken from the table, and referred to the committee on Education.

On motion by Mr. Tarkington,

Senate bill No. 118. A bill to provide for the appraisement of real property, and prescribing the duties of officers in relation thereto,

Was taken from the table, and referred to the committee on Finance.

Mr. Sage, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 67, a bill to provide for the confinement of persons insane and dangerous when suffered to run at large, and for the compensation of any person to whom the custody of such insane person is committed, have had the same under consideration, and have instructed me to report the same back with the following amendment to section 6, and recommend its passage.

Add to section 6—"And in all cases where such insane persons have heretofore been a charge upon county treasuries, the commissioners shall have power to collect said charges out of the property of said insane person, under the same restrictions as are in this section provided.

The report was concurred in, and the amendments adopted.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Cutshaw, Ensey, Glazebrook, Hawthorn, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Reynolds, Richardson of

Spencer, Robinson, Rugg, Sage, Shook, Slater, Suit, Tarkington, Vandevanter, Wilson, Witherow and Woods—34.

No Senator voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

By unanimous consent,  
Mr. Crane introduced'

Senate bill No. 150. A bill securing to the owners of steam boats and other water crafts, the right of landing, for the purposes of receiving and discharging freight, determining their liability for so doing, and prescribing a remedy to enforce the same.

Which was read a first time and passed to a second reading.

A message from the Governor, by Mr. King, Executive Messenger :

MR. PRESIDENT :

I am directed by the Governor to inform the Senate, that he has approved and signed the following bill, to-wit :

No. 87. An act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance.

Which bill originated in the Senate.

On motion by Mr. Glazebrook,  
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

On motion by Mr. Meeker,

Senate bill No. 15. A bill to amend the 14th and 23d sections of an act, entitled "an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisors of real property, county treasurers and auditors and of the Treasurer of State," approved June 21st, 1852,

Was taken from the table with the pending amendment.

On motion by Mr. Meeker,

The bill was re-committed to the committee on Finance, with the following instructions:

“That all debts for land shall not be deducted.”

By unanimous consent,

Mr. Woods introduced

Senate bill No. 151. An act relating to the State University, supplemental to, and amendatory of an act, entitled an “act providing for the government of the State University, the management of its funds and for the disposition of lands thereof,” approved June 17th, 1852, and providing for the appointment of two commissioners and for the sale of lands granted to the State for the use of the University, for transferring to the property thereof, securities entered into for its benefit by individuals, for repairing losses by fire of its library and building, and for securing a more economical administration of its affairs by lessening the number of its Board of Trustees, and limiting the expenses of managing its fund.

Which was read a first time and passed to a second reading.

Mr. Alexander moved to suspend the rule and read the bill a second time by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Hosbrook, Hostetler, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Reynolds, Robinson, Rugg, Sage, Shook, Slater, Suit, Vandevanter, Weston, Williams, Wilson, and Woods—  
34.

Mr. Hendry voting in the negative.

So the rules were suspended, and the bill read a second time by its title.

Mr. Hendry moved to lay the bill on the table and print.

Which was not agreed to.

On motion by Mr. Alexander,

The bill was referred to the committee on Education.

By Mr. Drew,

Two petitions from citizens of Vanderburgh county, asking for the charter of a bank with branches.

Referred to the committee on Banks.

Mr. Brown, from the committee on the judiciary, made the following report:

MR. PRESIDENT :

The committee on the Judiciary, to whom was referred Senate bill No 137, "a bill to legalize the acknowledgment of all deeds and mortgages and other instruments require<sup>d</sup> to be recorded, taken and certified by the clerks of the circuit courts of this State, after the reception of the Revised Statutes of 1852, in their respective counties," have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Brown, chairman of the committee on Benevolent Institutions of the State, made the following report :

MR. PRESIDENT :

The Committee on Benevolent Institutions have visited the Indiana Hospital for the Insane, the Institution for the Education of the Deaf and Dumb, and the Institute for the Education of the Blind, and have instructed me to submit the following report in reference to the condition of those Institutions respectively :

### THE INDIANA HOSPITAL FOR THE INSANE.

The committee are highly gratified to be able to bear their testimony in favor of the care and skill manifested in the treatment of the patients of this Institution and of the success of the officers in their efforts to add to the comfort and improve the condition of that unfortunate class of beings who are placed for relief within its walls. They have visited the grounds and buildings and are satisfied from their inspection that everything connected with the Institution is managed with care and prudence, and that it is in a condition of increasing prosperity. They cannot too highly commend it to the fostering care and liberality of the General Assembly. It stands a monument of the wise benevolence of Indiana, proving that, in her onward march to greatness, she has not turned a deaf ear to the calls of her suffering citizens.

The financial affairs of the Hospital urgently require the attention of the present General Assembly.

There will be needed to repay amounts borrowed from the Sinking Fund for the Hospital Buildings, and to complete the south wing, \$31,237 11; to repay amount borrowed from the State Bank for current expenses up to October 31st, 1854, and for the same up to April 1st, 1855, \$14,333 30; to support the Hospital and to keep up ordinary repairs from April 1st, 1855, to April 1, 1856, \$30,000; for the same purposes from April 1, 1856, to April 1, 1857, \$30,000; for expenses of erection of the north wing for the year 1855, \$25,000; for expenses of the same for the year 1856, \$30,000; for

furnishing south wing when completed, \$4,000. Total needed, \$164,570 41.

The south wing will be completed by the first of April, 1855, and will then be ready for the admission of patients. The Hospital will then accommodate two hundred and twenty-five patients. There are, already on file, a great many applications for admission, which are daily increasing in number. The demands for the completion of the north wing are imperative. There are already collected materials and improvements for the north wing, valued at \$4,292 50, which will be useless without the appropriations be made which are asked for above. The committee would recommend that an appropriation be made for the purchase of a library, as reading is found to be a great auxiliary in the cure of patients. Airing courts are also required to be attached to the buildings, in which patients may seek fresh air, exercise and amusement.

The committee offer the preceding recommendations, in all confidence that the present Legislature will continue that system of munificent benevolence which has already been productive of such incalculable benefits to the people of this State. It is an ascertained fact that insanity increases in the same ratio with the advancement of improvements, the accumulation of the luxuries of life, and the general spread of all those fanatical, religious and political principles which characterize the age. Several of the States have two, three and even four asylums for the insane. It behooves us to provide liberally for the unfortunate who are bereft of the distinguishing characteristic of humanity, reason. They are helpless themselves, but by means of the Hospital for the Insane may return to the bosom of their families, and their duties as citizens, living examples of the wisdom and benevolence of their State. Your committee feel convinced that no parsimonious feeling will prevent the present Legislature from responding to the loud calls of suffering humanity.

### THE INDIANA INSTITUTE FOR THE BLIND.

The committee are pleased to express their gratification at the condition in which they found the Institute for the Blind. The Institution is managed by competent gentlemen, of whose skill and attention proofs were seen in the progress of the pupils, and the general good order and discipline of the establishment. It is a humane duty which the State owes to those bereft of vision, to provide them with the means of ensuring their future usefulness, and this duty is nobly fulfilled in the Indiana Institute for the Blind. The Institution has already accomplished a great deal of good and its sphere is continually increasing, while the demands on the benevolence of the State increase in proportion as its good effects are seen. Referring members to the able reports of the Superintendent and trustees for particulars, the committee content themselves with recommending the following appropriations:



For the payment of loans from the Sinking Fund, . . .	\$21,334 15
For salaries of resident officers, . . . . .	3,500 00
For current expenses for first year, . . . . .	14,450 00
For current expenses for second year, . . . . .	15,450 00
For ordinary expenses from 1st of November, 1854, to 1st of April, 1855, . . . . .	4,000 00
For heating apparatus, . . . . .	4,000 00
For repairing drying room, laundry, cooking range, &c, . . .	300 00
For painting the buildings, . . . . .	1,500 00
For painting the fence, . . . . .	300 00
For enclosing 4 acre lot, . . . . .	450 00
For one double banked organ . . . . .	1,800 00
For two seven octave pianos . . . . .	700 00
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Total needed up to April 1, 1857, . . . . .	\$67,784 15

## THE INDIANA INSTITUTION FOR THE DEAF AND DUMB.

The committee visited this Institution and carefully inquired into its condition and wants, and they are prepared to report that its management is such as meets their entire approbation. The educational, domestic, and financial departments are in a most prosperous and satisfactory condition, and give evidence of a high degree of skill and faithfulness on the part of those who have charge of them. The system of instruction pursued, the regimen adopted, and the discipline exercised appear admirably adapted to the development in the highest degree of which pupils are susceptible, their intellectual, moral, and physical natures, and to the acquisition of correct habits and proper deportment. The trades introduced, coopering and shoemaking, are well adapted to the condition of the deaf and dumb. It is confidently believed that the department of trades will support itself, and even leave a small revenue for the State. The committee consider it inexpedient to alter the present system of accounts, &c. They concur with the Board of Trustees that the verandas on the west front of the north and south wings should be completed as originally intended. The committee are of decided opinion that the Institution should be lighted by gas.

The committee recommend the following appropriations to be made:

For current expenses to April 1, 1855, . . . . .	\$5,000 00
For current expenses from April 1, 1855, to April 1, 1856, . . . . .	20,000 00
For current expenses from April 1, 1856, to April 1, 1857, . . . . .	20,500 00
Introduction of gas . . . . .	2,500 00
For completing Verandas . . . . .	2,500 00
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Total needed to April 1, 1857, . . . . .	\$50,500 00



The committee do not agree with the recommendation of the Governor in his message, "that the management of the affairs of the three Benevolent Institutions be placed under the control of one set of trustees, not exceeding five in number." They find the present system under which those Institutions are managed, entirely satisfactory, and recommend that it be continued unchanged. In conclusion, the committee congratulate the Senate on the prosperous condition of the three Benevolent Institutions, and express the confident hope that the action of this body on the foregoing recommendations will tend to increase that prosperity.

On motion by Mr. Spann,

The report was laid on the table and 500 copies ordered to be printed.

Mr. Hawthorn, from the committee on corporations, made the following report:

**MR. PRESIDENT:**

The committee on Corporations, to whom was referred Senate bill No. 96, entitled an act requiring railroads to be fenced, and providing for compensation for stock killed or injured on such roads, and to repeal all laws in conflict, or coming within the perview of this act, have had the same under consideration, and have directed me to report the bill back and recommend that the bill be laid on the table.

The report was not concurred in, and the committee discharged from the further consideration of the subject.

Mr. Brown moved to amend the bill by striking out from the enacting clause and inserting as follows:

That upon all railroads in the State suitable cattle guards shall be built and maintained at the crossing of highways, and that all such railroads shall be fenced with a good and sufficient fence as hereinafter provided.

**SEC. 2.** All railroad fences shall be placed upon the ground or right of way of the company, when practicable, without interruption to the use of the railroad.

**SEC. 3.** When not otherwise agreed upon by the parties, the owner of any improved land through which any railroad has been, or shall be located, and in use may give such railroad company notice to fence such railroad through or along his, her, or their improved land, and if such railroad company shall fail to fence such road, he, she, or they may build such fence, and recover from such company one-half of the value or cost of such fence, in any court having jurisdiction without relief from valuation or appraisement laws.

**SEC. 4.** In all cases where any railroad company has or may hereafter fence their road at their own expense, and upon their own

land or right of way, the owner of any adjoining land through or along which such railroad is or shall be located, and in use may attach his, her, or their crop fences to such railroad fence by paying to such company one-half of the value of such fence, which thereafter shall be and remain a partition fence, to be maintained equally at the expense of such company and the owner of such land.

SEC. 5. In all cases where any railroad shall be fenced upon both sides, such railroad company shall erect, and maintain at the crossing of any, and all highways good and sufficient cattle guards, to prevent cattle from escaping from the highway into such lane.

SEC. 6. If any domestic animal shall be injured or killed on any railroad, by the fault, neglect, or misconduct of any railroad company, or their employees, such company shall be liable to the owner of such domestic animal for the value of the animal killed or the injury done, to be recovered in any court having jurisdiction, without relief from valuation or appraisement laws.

SEC. 7. If any domestic animal shall be injured or killed on any railroad by the fault, neglect, or misconduct of the owner thereof, his agent, or employee, such railroad company shall not be liable for such injury or killing.

SEC. 8. Sections one, two and three of an act entitled, "an act to provide compensation to the owners of animals killed or injured by the cars, locomotives, or other carriages of any railroad company in this State, approved March 1st, 1853, and all laws coming in conflict with the provisions of this act be and the same are hereby repealed: *Provided*, That the taking effect of this act shall in no wise impair, or effect rights or liabilities of any person, or persons acquired or incurred before the passage of this act.

SEC. 9. As it is desirable to secure the fencing of railroads, and to define the liabilities of railroad companies, and owners of adjoining land, and to provide for the safety of persons traveling upon railroads, therefore it is hereby declared that this is a case of emergency, and that this act shall take effect, and be in force from and after its passage.

On motion by Mr. Slater,

The bill and pending amendments was referred to a select committee consisting of Senators Slater, Brown, Robinson, Shields and Drew.

On motion by Mr. Cravens,

*Resolved*, That the committee on Benevolent Institutions report to the Senate, the names and number of the trustees or commissioners whose terms of office will expire before the next meeting of the General Assembly.

Mr. Hendry, from the committee on the Judiciary, made the following report:

MR. PRESIDENT :

The committee on the judiciary, to whom was referred a resolution instructing them to report a bill providing that families shall have provisions for some fixed time, in case a man shall die leaving a family, have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 152. A bill defining the amount of property that shall be omitted by executors and administrators in making out inventories.

Which was read a first time and passed to a second reading.

On motion by Mr. Cravens,  
The Senate adiourned

SATURDAY MORNING, 9 o'clock, {  
February 17, 1855. }

The Senate met.

On motion by Mr. Cravens,  
The reading of the Journal of yesterday was dispensed with.

#### RESOLUTIONS.

On motion by Mr. Ensey,

*Resolved*, That the bank committee be instructed to enquire into the expediency of excluding all mortgages on real estate, and also to exclude all stocks except Indiana and Government stocks as a security for banking in this State.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Hendry Introduced

Senate bill No. 153. A bill to legalize the sale of certain lands lying in section 16, made by county Auditors and Treasurers.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Drew introduced

Senate bill No. 154. A bill concerning liens of mechanics, merchants and others, approved May 20th, 1852.

Which was read a first time and passed to a second reading.

*Senate Bills on Second Reading.*

No. 146. A bill legalizing the incorporation of such companies and their acts as organized under any of the acts contained in the revised statutes of 1852, after the passage of said statutes and before they were distributed and went into effect,

Was read a second time and ordered to be engrossed.

No. 147. A bill to exempt the personal property of widows from execution, provided the same does not exceed three hundred dollars in valuation,

Was read a second time, and

On motion by Mr. Anthony,

Referred to the committee on the Judiciary.

No. 148. A bill for the collection of the surplus revenue and other school or trust funds, and making county auditors and county treasurers competent witnesses in suits for the collection of the same,

Was read a second time and ordered to be engrossed.

No. 149. A bill to authorize the commissioners on swamp lands to compensate for ditching and draining where such has been completed by private enterprise and was necessary to the draining of swamp land belonging to the State, or which has been or may be sold as such,

Was read a second time, and

On motion by Mr. Hawthorn,

Referred to the committee on swamp lands.

No. 150. A bill securing to steamboats and other water crafts the right of landing for the purpose of receiving and discharging freight, determining their liabilities for so doing, and prescribing a remedy to enforce the same,

Was read a second time, and

On motion by Mr. Brown,

Referred to the committee on Agriculture.

No. 152. A bill defining the amount of property that shall be omitted by executors and administrators in making out inventories,

Was read a second time, and ordered to be engrossed.

*House Bills on Second Reading.*

No. 68. A bill providing for trial of causes in the several circuit courts in cases in which the circuit Judge is interested or related to either of the parties; also, providing for the holding of terms of courts when such Judge is absent, or unable to attend, and repealing sections 3 and 4 of chapter 4 of the 2nd volume revised statutes of 1852, and providing for the compensation of persons holding such courts,

Was read a second time, and

On motion by Mr. Anthony,

Referred to the committee on the judiciary.

No. 92. A bill to provide for the issuing certificates in cases of the casual destruction of out-standing State bonds, and of duplicates in cases of the destruction of State certificates of stock,

Was read a second time and ordered to a third reading.

No. 146. A bill to authorize the commissioners of the sinking fund to adjust the unsettled account between the State of Indiana and the Merchants Bank in the city of New York, and to pay \$5,716 90 due with interest,

Was read a second time, and

On motion by Mr. Drew,

Referred to the committee on Finance.

*House Bills on Third Reading.*

No. 5. A bill to amend the 65th and 66th sections of an act providing for the settlement of decedents estates, prescribing the liabilities and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlements, approved June 17th, 1852, and supplemental thereto,

Was read a third time, and

On motion by Mr. Anthony,

Laid on the table.

No. 81. A bill to repeal the 10th section of an act entitled "an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof," approved June 11th, 1852.

Was read a third time, and

On motion by Mr. Woods,

The bill was laid on the table.

No. 136. A bill to enable cities which have subscribed for stock in companies incorporated to construct works of public utility under the 56th section of the general act for the incorporation of cities, to ratify the same.

Was read a third time; and,  
Laid on the table.

No. 111. A bill for the incorporation of high schools, academies, colleges, universities, theological institutions, and missionary boards.

Was read a third time, and  
On motion by Mr. Anthony,  
Laid on the table.

Leave being granted,

Mr. Hosbrook, chairman of the committee on swamp lands, made the following report:

MR. PRESIDENT:

The committee to whom was referred a resolution of the Senate in reference to the better security of the funds arising from the sale of swamp lands, have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 155. A bill for the better security of the funds arising from the sale of swamp lands.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Hosbrook introduced

Senate bill No. 156. A bill to amend section 115, of chapter 1st, part 2nd, of 2nd vol. R. S. 1852.

Which was read a first time, and passed to a second reading.

Leave being granted,  
On motion by Mr. Rugg,

Senate bill No. 133. A bill to fix the commencement of the terms of certain county officers, and to render the same uniform,

Was taken from the table, and

Referred to a select committee, consisting of Senators Drew, Bearss, and Hawthorn.

By unanimous consent,  
Mr. Bearss introduced

Senate bill No. 157. A bill legalizing the proceedings of the boards of county commissioners at special or called sessions thereof.

Was read a first time, and passed to a second reading.



*Senate Bills on Third Reading.*

No. 117. A bill requiring payment or tender to be made of taxes, and the penalty with interest thereon, before suit brought to recover possession of lands sold for taxes from any person claiming the same under a tax-title deed made by the Auditor, and repealing all laws in conflict therewith.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Cravens, Crouse, Cutshaw, Drew, Ensey, Griggs, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of Spencer, Robinson, Rugg, Sage, Suit, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—36.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 134. A bill to repeal section 50 chapter 10 of an act entitled "an act providing for the settlement of decedents' estates, prescribing the rights, duties, and liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlements," approved June 17th, 1852.

Was read a third time,

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Griggs, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of Spencer, Robinson, Rugg, Sage, Slater, Suit, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—38.

Mr. Jackson of Tipton voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 141. A bill to amend section 27 of an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto.

Was read a third time,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Griggs, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of Spencer, Robinson, Rugg, Sage, Slater, Suit, Vandevanter, Weston, Wilson, Witherow, and Woods—40.

No Senator voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Mr. Alexander, chairman of the committee on Banks, made the following report:

MR. PRESIDENT:

The committee on banks to whom was referred Senate bill No. 93, "a bill to establish a bank with branches," have had the same under consideration and directed me to report it back to the Senate with the following amendments, and recommend its passage:

Amend in section 3, line 7, by adding after the word "done" "other things being equal."

Strike out the 12th section, and substitute the following:

There shall be no stay of execution, on any judgment against said bank, nor shall she be entitled on judgment or execution against her to the benefit of valuation or appraisement laws.

Strike out section 15, and insert the following:

Section 15. The capital stock of said bank shall be subject to the same rate of taxation for State and county purposes as the property or stocks of other monied corporations, and the real estate and other property of said bank and branches, situated in any city or town, shall be taxable for any municipal purposes in the same manner as other property so situated, but the capital stock of said bank or branches shall not be taxable for municipal purposes.

Strike out in line 5 of section 77 "28th," and insert "25th."

In 6th line, same section, strike out "*the*" and insert "*this*."

Strike out of same line "*of which this is amendatory*."

And in 7th line strike out "*according to the charter*."

Prefix to section 79 as follows :

"The capital stock of said bank and branches shall be divided into shares of fifty dollars each."

In section 80, 11th line, strike out "*fairly*" and insert "*faithfully*."

Strike out the 84th and 85th sections and insert the following :

Section 84. Said bank shall purchase and take all the capital stock the State now owns or possesses in the present State bank of Indiana, and pay for the same, in the manner hereinafter provided, the full amount which the same shall produce when converted into money, and paid over by the present State bank in the winding up and liquidation of its business, or which it may be found to be worth or to produce if the State shall at any time hereafter choose to appoint commissioners to ascertain the value of the same, or by any other mode to cause the same to be liquidated sooner, or by other means than those that may be adopted by the present State bank of Indiana.

SEC. 85. In payment for said stock said bank shall pay, take up and return to the State such an amount of the original bank bonds issued by the State for banking purposes, at par, as shall be equal to the value of the State's interest on stock in the present State Bank of Indiana and its branches, when ascertained as aforesaid ; said bank having the same privileges in regard to the redemption of said bonds as to time and manner of payment, that the State now has, and as a compensation to the State for the advantages which will accrue to the bank from such mode of payment, there shall be deducted from the dividends, and retained in bank each year, the sum of ten cents on each share of stock, which shall be paid to the State in such manner as the General Assembly shall direct, for the purposes of common school education ; and any excess which said stock shall be found to produce over and above the amount of all such outstanding bank bonds, shall be paid to the Treasurer of State when said stock shall be converted into money, and said bank, when organized, shall become liable for, and shall pay such outstanding bank bonds to the amount aforesaid, in the manner aforesaid, and the right to said stock shall be vested in said bank ; and until the value of said stock is ascertained as aforesaid, said bank shall provide for and furnish to the commissioners of the sinking fund, or such other officers as the State may at any time designate, the funds to pay the accruing interest on all said bank bonds outstanding from the dividends on said stock, or, otherwise, if the same should be insufficient, at the times and places when and where it may be necessary to pay such interest, or in such manner as the said fund commissioners, or other proper officers may require, and if, when the exact value of the State's stock shall be ascertained as aforesaid, it shall be found to be less than the amount of the outstanding bonds, the amount of interest which said bank shall have paid over and above the interest on the amount of bonds so to be

paid by her, shall be deducted from the amount of bonds so to be paid by said bank.

Strike out section 101 and insert as follows:

SEC. 101. Inasmuch as it is desirable that the commissioners appointed by this act shall be qualified and perform their duties, without delay, it is declared that an emergency exists in this case, and this act shall be in force and take effect from and after its publication in one or more newspapers published in the city of Indianapolis.

Mr. Alexander, chairman of the committee on Banks, made the following report:

MR. PRESIDENT:

The committee on Banks, to whom was referred Senate bill No. 86. "A bill to authorize the business of banking, and to repeal all former acts on that subject," have had the same under consideration, and directed me to report the same back with the following amendments and recommend its passage:

Strike out from the enacting clause and insert as follows—

SEC. 2. Any number of persons not less than eleven, a majority of whom shall be resident citizens of this State, having in the opinion of the Governor, Secretary, and Treasurer of State, complied with the necessary provisions of this act, as hereinafter specified, may make application to the Auditor of State, who shall cause to be engraved and printed in the best manner to guard against fraud and counterfeiting such quality of circulating notes, in the similitude of bank notes, in blank of the different denominations hereinafter authorized to be issued, as may from time to time be needed to meet the demands of those organizations, for the purposes of banking, and as may correspond with the receipt of the Treasurer of State as hereinafter stated; but the provisions of this section as to the number of stock holders, shall not apply to any of the banks established under the act referred to, an act entitled "an act to authorize and regulate the business of general banking," approved May 28th, 1852, which have redeemed their notes in specie in accordance with this act.

SEC. 3. Nothing herein contained shall be so construed as to prevent any banking association from procuring their own plates, dies, and other materials for engraving and printing blank notes and furnishing them to the Auditor.

SEC. 4. Such bank notes in blank so procured, or placed in the hands of the Auditor as aforesaid, shall be of the denominations usually issued by banks, from five dollars to five hundred dollars; but such notes shall not be of any intermediate number between five and ten dollars, ten and twenty, twenty and fifty, or fifty and one hundred dollars; *Provided however*, That no banking association

under this act, shall be authorized to issue bills for circulation of less denomination than five dollars.

SEC. 5. Such blank circulating notes, shall be countersigned by such Auditor, and numbered and registered in proper books to be kept for that purpose, in his office and under his direction, by such persons as the Auditor shall appoint, so that each denomination of such circulating notes shall all be of the same similitude, and bear the uniform signature of such Auditor and Register.

SEC. 6. Whenever any association of persons formed under this act, shall legally transfer to the Treasurer of State, fifty thousand dollars worth of stocks or bonds, such as hereinafter specified, such association of persons shall be entitled to receive from the said Auditor, for every one hundred and sixteen dollars worth of stocks or bonds thus transferred, and deposited, only one hundred dollars in notes of different denominations, registered and countersigned as aforesaid, to be used by them in the usual course of banking business, as money, except as provided in section — of this act.

SEC. 7. Such stocks shall consist of any portion of the public debt now created or hereafter to be created, by the United States, or by this State, and chargeable on the treasury, or such other States of the Union, as pay interest semi-annually, or at any less period on their public debt; but such public debt shall in all cases be, or be made to be equal to a stock producing six per cent. per annum, and it shall not be lawful for the Treasurer to take any stock at a rate above its par value, nor above its market value: *Provided*, That whenever any State, whose stock is pledged in whole or in part for the redemption of its circulation, shall fail or neglect to pay interest on such bonds or stocks semi-annually, or at any less period, then such association shall be required to withdraw the said stocks so failing to pay interest, and to substitute for the same the stocks of interest paying States, or else surrender an amount of its notes equal to the amount of stocks so required to be withdrawn.

SEC. 8. Such association of persons are hereby authorized, after having executed and signed such circulating notes in the manner required by law to make them obligatory promissory notes, payable on demand at the place of business, as hereinafter specified, within this State, of such association, to loan and circulate the same as money according to the ordinary course of banking business, as regulated by the laws and usages of this State.

SEC. 9. In case the makers of any such circulating notes, countersigned and registered as aforesaid, shall at any time hereafter, on lawful demand, at the place of business specified in such note, during the usual hours of banking business, as hereinafter mentioned, fail or refuse to redeem such note or notes, in the lawful money of the United States, the holder of such note or notes, making such demand, may cause the same to be protested for non-payment, by a Notary Public, in the usual manner, and the Auditor on receiving and filing in his office such protest, shall forthwith give written notice to the association who issued such notes, to pay the same, and if such as-



sociation shall not immediately do so, the Auditor shall without delay, (unless he shall be satisfied that there is a good and legal defense against the payment of such note or notes,) give notice in one of the newspapers published in Indianapolis, that all circulating notes issued by such association, will be redeemed out of the stocks held by him for that purpose, and it shall be lawful for the Auditor to apply the said trust funds belonging to the makers of such protested notes, to the payment and redemption of such notes with the costs of protest, and to adopt such measures for the payment of all such circulating notes, put in circulation by the makers of such protested notes, pursuant to the provisions of this act, as will, in the opinion of the Governor, Treasurer, and Secretary of State or a majority of them, most effectually prevent loss to the holders thereof.

SEC. 10. The Auditor shall give any association, so transferring stock in pursuance of the provisions of this act, powers of attorney to receive interest or dividends thereon, which such association may receive and apply to their own use; but such powers may be revoked, upon such association failing to redeem the notes so issued, or whenever in the opinion of the Auditor, Governor, Treasurer, and Secretary of State. or a majority of them, the principal of such stock shall become an insufficient security: said Auditor also, at the instance of the owners of such stock so transferred in trust as aforesaid, may in his discretion change or transfer the same for other stock of the same kind specified above in this act, or shall re-transfer the said stocks or any part thereof, upon receiving and cancelling an equal of such circulating notes, delivered by him to such association in such manner, that the circulating notes shall always be secure in full by such stocks, and shall not be reduced or withdrawn as aforesaid, below the value of fifty thousand dollars' worth of stocks of any association.

SEC. 11. The bills or notes so to be countersigned and the payment of which shall be so secured as aforesaid shall be stamped on their face, "Secured by the pledge of public stock."

SEC. 12. Nothing in this act contained shall be considered as implying any pledge on the part of the State for the payment of said bills or notes beyond the proper application of the securities pledged with the Treasurer for their redemption; nor shall anything herein contained be construed to empower any association to conduct or carry on the business of banking at any other than the place of business of such banking association, which place of business shall, in every instance, be the same at which their bank bills respectively are made payable.

SEC. 13. Public stock to be deposited with the Treasurer by any such association shall be held by him exclusively for the redemption of the bills or notes of such association, put in circulation as money until the same are paid, and shall in no case be held for the benefit of any depositor or other person having business with such banking association until after the issue of said bank is redeemed.



SEC. 14. The plates, dies and materials to be procured by the Auditor, or by any other person for the printing and making of the circulating notes, provided for hereby, shall be placed in the custody and under the direction of the Treasurer; and the expenses necessarily incurred in executing the provisions of this act, shall be audited and settled by the Auditor, and paid out of any moneys in the treasury, not otherwise appropriated, and for the purpose of reimbursing the same, the said Auditor is hereby authorized and required to charge against and receive from such association applying for such circulating notes, such rate per cent. thereon, as may be sufficient for that purpose, or as may be fixed by law.

SEC. 15. All plates, dies, and such like materials of, and peculiar to any banking association, which shall have closed business either by its own voluntary act or by operation of law as prescribed in sections 9 and 50 of this act, shall be in the presence of the said Governor, Treasurer, Secretary, and Auditor of State destroyed, and such destruction, specifying the articles so destroyed, shall be officially certified to by all the four aforesaid officers.

SEC. 16. It shall not be lawful for the Auditor or other officers to countersign bills or notes for any associations of persons formed under this act, to an amount in the aggregate exceeding that contemplated in section 6 of this act, and any Auditor or other officer who shall violate the provisions of this section shall, upon conviction, be punished as hereinafter prescribed.

SEC. 17. Any number of persons not less than eleven, may associate to establish offices of discount, deposit, and circulation upon the terms and conditions, and subject to the liabilities prescribed in this act; but the amount of stocks or bonds transferred and deposited as aforesaid, shall not be less in value than fifty thousand dollars. *Provided*, that this section shall not apply to any banks established under said repealed act, entitled "an act, &c.," which have continued to pay specie for their notes. But no bank shall be established in any town of less than 1000 inhabitants.

SEC. 18. Such persons under their hands and seals, shall make a certificate which shall specify:

*First.*—The name assumed to distinguish such association, and to be used in its dealings.

*Second.*—The place where the operations of discount and deposit of such association are to be carried on, designating the particular county, city, town or village.

*Third.*—The amount of capital stock of such association, and the number of shares into which the same shall be divided.

*Fourth.*—The names and places of residence of the share holders and the number of shares held by each of them respectively.

*Fifth.*—The period at which such association shall commence and terminate, which certificate shall be proved or acknowledged and recorded in the office of the clerk of the county where the office of such association shall be established, and a copy thereof filed in the office of the Secretary of State.

SEC. 19. The certificate required by the last preceding section to be recorded and filed in the offices of the clerks of the county, and Secretary of State, as aforesaid, or copies thereof duly certified by either of these officers, may be used as evidence in all courts and places, for and against any such association, and shall be *prima facie* evidence of the facts therein contained.

SEC. 20. Such association shall have power to carry on the business of banking, by discounting bills, notes, and other evidences of debt, by receiving deposits, by buying and selling gold and silver bullion, foreign coins and bills of exchange, in the manner specified in their articles of association for the purposes authorized by this act, by loaning money on personal security, and by exercising such incidental powers as shall be necessary to carry on such business; to elect a board of directors who shall have authority to elect one of their number as president of such association, and to appoint a cashier and such other officers and agents as their business may require, and to remove such president, cashier, officers and agents, at pleasure, and appoint others in their places. Such association shall be entitled to charge and receive, for money loaned, interest at a rate not exceeding six per centum per annum; but the same may according to bank rules, be discounted and taken in advance out of the sum loaned: *Provided however*, that such president and cashier shall be resident citizens of the county in which such association is, or is to be located.

SEC. 21. The shares of said association shall be deemed personal property, and shall be transferable on the books of the association, in such manner as may be agreed on in the article of association; and every person becoming a share-holder by such transfer, shall, in proportion to his shares, succeed to all the rights and liabilities of prior share-holders; and no change shall be made in the articles of association, by which the rights, remedies, or security of its existing creditors shall be weakened or impaired. Such association shall not be dissolved by the death or insanity of any of the share-holders therein; nor shall any such transfer operate to release the party so transferring from the operation of section twenty-five of this act, making stockholders liable over and above their stock, to an amount equal to such stock: *Provided*, that such individual liability of such stockholder, so transferring, as aforesaid, shall not extend beyond the period of one year from the time such transfer shall have been reported to, or otherwise filed in, the office of the Treasurer of State. No transfer of stock shall be made on the books of any bank while the stockholder is indebted to said bank, without the consent of the directors.

SEC. 22. It shall be lawful for any association of persons organized under this act by their articles of association, to provide for an increase of their capital and the number of the associates, from time to time as they may think proper; and in case of any shares of stock held in the name of one person, but in whole or in part for the use and benefit, or as the property of another, both the person

in whose name such stock is held, and the person for whose use it is so held, shall be subject to the operation of the twenty-fifth section of this act, making stockholders liable over and above their stock, to an amount equal to such stock.

**SEC. 23.** Contracts made by any such associations, and all notes and bills by them issued and put in circulation as money, shall be signed by the president, or vice-president and cashier, thereof; and all suits, actions and proceeding brought or prosecuted by, or on behalf of such association may be brought or prosecuted in the name of the president thereof; and no suit, action, or proceeding shall abate by reason of the death, removal from office, or resignation of such president. but may by continued and prosecuted, according to such rules as the courts of law may direct, in the name of his successor in office who shall exercise the powers, enjoy the rights, and discharge the duties of his predecessors.

**SEC. 24.** All persons having demands against any such association, may maintain actions against the president thereof, which suits or actions shall not abate by reason of the death, resignation or removal from office, of such president, but may be continued and prosecuted to judgments against his successor; and all judgments or decrees obtained or rendered against such president for any debt or liability of such association, shall be enforced first against the joint property of the association, and which property shall be liable to be taken and sold by execution under any such judgment or decree.

**SEC. 25.** Every share-holder of any such association shall be liable in his individual capacity, for any contract, debt or engagement of such association, to an amount over and above his stock, equal to the amount of his shares of such stock.

**SEC. 26.** It shall be lawful for such association to purchase, hold and convey real estate for the following purposes:

*First.* Such as shall be necessary for its immediate accommodation in the convenient transaction of its business; or

*Second.* Such as shall be mortgaged to it in good faith, by way of security for moneys due to such association; or,

*Third.* Such as shall be conveyed to it, in satisfaction of debts previously contracted in the course of its dealings; or

*Fourth.* Such as it shall purchase at sales under judgments, decrees, or mortgages held by such association. The said association shall not purchase, hold or convey real estate in any other case, or for any other purpose; and all conveyances of such real estate shall be made to the president, or such other officers as shall be indicated for that purpose in the articles of association; and which president or officer, and his successors, from time to time, may sell, assign or convey the same, free from any claim thereon, against it by any shareholders, or any person claiming under them.

**SEC. 27.** Such associations shall on the first Mondays of January and July, in every year after having commenced the business of banking, as prescribed by this act, make out and transmit to the

Auditor, in the form to be provided by him, a full statement of the affairs of the association, verified by the oaths of the president or cashier; which statement shall contain—

*First.* The amount of stock paid in according to the provisions of this act, and the amount of stocks, or bonds, together with a description of such stocks or bonds, deposited and transferred as aforesaid, as security for the issues of such association—the then market value of said stocks as near as the same can be ascertained, the date to which payment of interest has been made upon such bonds, or stocks, and whether such interest has been paid to such banking association, or passed to their credit on the books of the Auditor.

*Second.* The value of the real estate of the association, specifying what portion is occupied by the association as necessary to the transaction of business.

*Third.* The shares of stock held by such association, whether absolutely or as collateral security, specifying each kind and description of stock, and the number and the value of the shares of each.

*Fourth.* The amount of debts due to the association, specifying such as are due from moneyed and other corporations, or associations; and also specifying the amount secured by judgment, and the amount which ought to be included in the computation of losses.

*Fifth.* The amount of debts due by such association, specifying such as are payable on demand, and such as are due to moneyed or other corporations or associations.

*Sixth.* The amount of claims against the association not acknowledged by it as debts.

*Seventh.* The amount of notes, bills, or other evidences of debt issued by such association.

*Eighth.* The amount of losses of the association, specifying whether charged on its capital or profits since its last preceding statement, and its dividends made and declared during the same period.

*Ninth.* The average amount in each month during the preceding six months, of the debts due to and from the association, the average amount of specie possessed by the same during each month, and the amount of bills and notes issued by such association and put in circulation as money, and outstanding against the association, on the first day of each of the preceding six months.

*Tenth.* The average amount in each month during the preceding six months, due to the association from all the shareholders in the association; also the greatest amount due to the association in each of the said preceding six months, from all the shareholders in such association.

*Eleventh.* The amount which the capital of the said association had been increased during the preceding six months, if there shall have been any increase of the said capital, and the names of any persons who may have become parties to the said articles of association, or may have withdrawn therefrom since their last report.



It shall be the duty of Auditor to cause the statement required to be made by this section, to be published in a newspaper printed in the county where the place of business of such association is situated, and in some paper published at Indianapolis, the expense of which shall be paid by such association: *Provided*, that such banking association may select such paper, and make the contract for such publication.

SEC. 28. If such association shall neglect to make out and transmit the statement required in the last preceding section, for one month beyond the time when the same is required to be made, the Auditor shall forthwith proceed to close such association in the manner prescribed in section fifty of this act.

SEC. 29. No association shall be organized under this act, until one-half of the entire stock or bond first transferred and deposited by any such association, shall be held and owned in good faith, by resident citizens of this State; and in every association formed under this act, there shall be at least five directors, a majority of whom shall be resident citizens of the county in which the bank is, or is to be located.

SEC. 30. If any portion of the original capital of any such association shall be withdrawn, for any purpose whatever, whilst any debts of the association remain unsatisfied, no dividends or profits on the shares of the capital stock of the association, shall thereafter be made until the deficit of capital shall have been made good, either by subscription of the shareholders, or out of the subsequently accruing profits of the association; and if it shall appear that any such dividends have been made, it shall be the duty of the Auditor to proceed against such bank as contemplated in section fifty thereof.

SEC. 31. The president and cashier of every association, formed pursuant to the provisions of this act, shall at all times keep a true and correct list of the names of all the shareholders of such association, and shall file a copy of such list in the office of the clerk of the county, where any office of such association may be located, and also in the office of the Auditor of State every ninety days after the organization and going into effect of such association.

SEC. 32. It shall not be lawful for any association formed under the provisions of this act, to make any of its bills or notes of a denomination less than five hundred dollars, to be put in circulation as money, payable at any other place than at the office where the business of the association is carried on and conducted.

SEC. 33. The Legislature may at any time alter or repeal this act.

SEC. 34. Whenever it is proven that any note or bill, issued by any association authorized by this act, has been irrecoverably destroyed or lost, the person who may have been the holder thereof shall be entitled to recover the amount so lost or destroyed.

SEC. 35. Every officer, agent, or clerk of said association, who shall willfully and knowingly subscribe, or make any false statements or false entries in the books of such association, or shall knowingly subscribe or exhibit false papers, with the intent to deceive any per-

son authorized to examine as to the condition of such association, or shall wilfully or knowingly subscribe or make false reports, shall be deemed guilty of felony, and punished as prescribed in section fifty-one of this act.

Sec. 36. No stockholder in such banking association shall act as notary public therefor.

Sec. 37. The Auditor and Treasurer of State, or either of them, are hereby strictly prohibited, during their several terms of office, from becoming directly or indirectly stockholders in any bank organized under this act, except by purchase under execution, from being interested, in any manner, in any such bank; from borrowing or indorsing in any way in such bank; and from receiving any fee or reward from any such banking association, otherwise than is by the laws of this State provided; and if either of the above named officers shall violate any of the conditions of this section he shall under indictment or information, and due conviction, be fined in any sum not exceeding one hundred dollars.

Sec. 38. Every association formed for the purpose of banking under this act, shall carry on their business of banking at the place designated in their issues, and where the directors, or a majority of them reside; they shall also have a regular banking house, or rooms, provided for the purpose of banking, and shall have painted above the outside door of said bank, in large letters, the name of said bank or banking association, and shall keep regular banking hours, which shall be from ten o'clock, A. M., until three o'clock P. M., of each day, Sundays, fourth of July, New Year's and Christmas days, the annual October elections, and public thanksgiving days excepted.

Sec. 39. No bank or banking association, sharcholder, stockholder, agent, officer, or any other person connected with any bank, shall either directly or indirectly purchase at their counter any of the issues of their bank for a less sum than that designated on the face of said issues; and any person violating this section shall be deemed guilty of misdemeanor, and punished in accordance with section fifty-two of this act.

Sec. 40. Every banking association organized and doing business under the general banking law of this State, may comply with section six of this act, either by transferring and depositing the required additional amount of stocks or bonds, or by surrendering to the Auditor, for cancelation, a sufficient amount of the issues of such association, so that the *pro rata* contemplated in said section shall always be preserved.

Sec. 41. The Treasurer of State shall, under his hand and official seal, certify to the Auditor, whenever so requested by any banking association formed under this act, the worth of bonds transferred and deposited with him by them, and the Auditor shall thereon register, countersign, and surrender to such association, notes to be circulated as money by them; preserving always the *pro rata* contemplated in section six hereof.



Sec. 42. Whenever the issues of any bank shall have been protested, as set forth in section nine hereof, the holder or holders of such issues thus protested and not redeemed, shall recover damages from such bank, at the rate of ten per centum per annum, from the date of such protest until they are finally redeemed: *Provided, however,* That nothing in this act shall be so construed as to prevent any bank from redeeming its own notes with the notes of any other bank, when the demand is made on the behalf of such other bank.

Sec. 43. When in the opinion of the Governor, Treasurer, Secretary, and Auditor of State, or a majority of them, the bonds or stocks deposited to secure the redemption of the issues of any bank have depreciated in value five per cent., they shall order such banking association, owning the stocks or bonds thus depreciated, to furnish such other additional security as they may require, or to return to the Auditor such portion of the circulating notes of such banking association as shall by the above named officers be deemed fully sufficient to protect the bill holder from loss; and in such case, when the securities deposited have depreciated in value five per cent., the Auditor shall revoke the power of attorney heretofore mentioned and receive, himself, the interest on all stocks or bonds thus deposited and depreciated, and shall deposit it in some safe institution, in his name, in trust for the association to whom the same may belong, and it shall be paid to such association whenever they comply with all the provisions of this section.

Sec. 44. Before any banking association shall receive from the Auditor any notes, to be circulated by it as money, the owners thereof shall file with said Auditor a certificate of the Clerk, Auditor and Recorder of the county where said bank is or is to be located, to the effect that such owners are possessed of taxable property, free from incumbrance and subject to execution, other than the interest in said bank, and within the limits of this State, to the amount and value of not less than twenty-five per cent. of the amount of the circulation of such bank; or, in lieu thereof, said owners shall file with said Auditor a bond, to be approved by the Governor, Treasurer, Secretary and Auditor, or a majority of them, to the amount of twenty-five per cent. of said circulation; and, as an additional security for the redemption of the issues of such bank, said certificate or bond shall be renewed annually; and the Auditor shall withhold the interest due said association until the provisions of this section are complied with.

Sec. 45. At least once in each year the Governor, Treasurer, Secretary, and Auditor of State, or a majority of them, and oftener if the public good requires it, shall appoint some competent person, who shall be termed a Bank Commissioner, to examine into the condition of any or all the banks of this State, organized under the General Banking law of 1852, or any subsequent law; and such Commissioner, from the time he enters any bank designed to be examined, shall have the entire control of the same, its safe, its books, and its papers, and all other things necessary to enable him to make

a complete and thorough examination of the same; and any stockholder, director, or officer of such bank, or any other person who shall resist such commissioner, or who shall refuse to give him the facilities above referred to, shall be deemed guilty of misdemeanor, and upon conviction thereof shall be punished as prescribed in section 52; and any such Commissioner making a false report of the condition any bank, examined as aforesaid, shall be deemed guilty of felony, and on conviction thereof be punished as prescribed in section 51 of this act.

SEC. 46. Every bank or banking association organized under the general banking law of this State, shall comply with all the provisions of this Act on or before the first day of January, 1856; and any bank or banking association failing or refusing to thus comply, shall be closed by the Auditor in compliance with the following section.

SEC. 47. Whenever, in the opinion of the Governor, Treasurer, Secretary and Auditor of State, or a majority of them, any of the banks or banking associations, acting under the general banking law of this State, have violated the conditions of sections 27 or 30 of this Act, such fact shall be forthwith conveyed to the said Auditor, who shall immediately proceed to give public notice thereof, in two newspapers printed and published in the city of New York, and in two printed and published at the city of Indianapolis, stating, in substance, that such bank or banking association has failed to comply with the laws of this State regulating general banking, and that the bonds or stock transferred or deposited in the office of the Treasurer of State by such bank or banking association, will be, within twenty days from the date of the first publication as aforesaid, sold in the City of New York, specifying the precise place, at public auction, by said Auditor or his agent; and said Auditor in compliance with said notice, shall sell said stock or bonds, and with the proceeds arising therefrom, redeem the outstanding issues of said bank or banking association, in the proportion that the proceeds bear to the said outstanding issues.

SEC. 48. Any person or persons violating sections 16, 36, or 47, of this Act, shall be deemed guilty of felony, and upon conviction thereof, shall be fined not exceeding ten thousand dollars, and be imprisoned in the State prison not less than two nor more than fourteen years, and be forever after rendered incapable of holding any office created by this Act.

SEC. 49. The issues of all banks established under this Act shall not exceed five millions of dollars, at any one time, and the issues of no one bank shall exceed one hundred and fifty thousand dollars.

SEC. 50. An bank heretofore established under the act to authorize and regulate the business of general banking, which has complied with the requisitions of said act, and continued to pay all its notes and obligations, on demand, may within three months from the passage of this act be removed from its present location to any other of greater commercial importance, which may be deemed ad-

visible by its stockholders, and upon such removal, all its notes and obligations shall be deemed payable at the place to which such removal is made; in the same manner that they were payable at the place where said bank was located before such removal; and immediately upon making such removal such bank shall file a notice thereof in the office of the Auditor of State, and cause a similar notice thereof to be published in one or more newspapers published in the county where such bank was located, and in the county to which such removal is made, if to another county.

SEC. 51. Any bank or banking association organized under the general banking law of this State, or hereafter to be organized, desiring to go into liquidation, for the purpose of closing business shall give public notice of that fact in two newspapers at Indianapolis, and in one published at the place, or nearest to the place where such bank or banking association is located, and the Auditor thereupon shall receive and cancel all the issues of such bank or banking association, that may from time to time be presented by such association to him, and for every one hundred dollars thus canceled, he shall certify the same to the Treasurer, who shall surrender to such bank or banking association the amount of stocks deposited, to secure the same as often as such notes shall have been so received and canceled, in sums large enough to cover the value of any one or more of the securities in the hands of the Treasurer; *Provided*, That the Treasurer in so surrendering such securities shall deliver to such bank or association, securities, not exceeding in value a fair average of those deposited by such bank or association as near as may be, and at the expiration of two years after such bank or banking association has given the notices required in this section, including a notice to all holders of its notes in circulation, to present them at said bank for payment, the Treasurer shall surrender to such bank or association all its stocks or securities remaining deposited in his office, if such bank or association shall file a bond or undertaking signed by all the owners of its stock, or a bond signed by any stockholder with security to be approved by the Auditor, conditioned for the prompt payment on demand, of all its remaining outstanding notes, if any such notes remain unpaid.

SEC. 52. The Auditor of State shall give bond with security, in the sum of twenty-five thousand dollars, and the Treasurer of State shall give bond with security in the sum of fifty thousand dollars, payable to the State of Indiana, conditioned for the faithful performance of their respective duties under this act, which bonds and security shall be approved by the Governor, and his approval shall be endorsed on the bonds, which shall then be placed by him in the office of the Secretary of State, who shall file and deposit them in his office; and suit may be brought thereon for the use of any person or persons or banking association which may be injured by any breach of duty on the part of said Auditor or Treasurer, in relation to any duties required of them respectively by this act.

SEC. 53. The Auditor shall receive a salary of fifteen hundred

dollars, and the Treasurer of State shall receive eight hundred dollars salary, in addition to all other fees and salaries for the performance of all the duties required of them by this act, which salaries shall be paid out of the State Treasury: which amount shall be repaid to said Treasury, by the Banks in the form of a fee of one cent on each bill for circulation signed by the Auditor; and if said fee does not amount to a sum sufficient to repay the same, the residue shall be apportioned equally amongst the banks, and retained out of their interest on their bonds, unless otherwise paid by the respective banks, upon being duly informed of the amount thereof.

SEC. 54. A majority of all the stocks of each of the banks to be established under this act, shall be owned at all times by resident citizens of this State, and before issuing to any association to be established under this act, any of its notes, the Auditor shall ascertain to his satisfaction, that a majority of such stock is so owned, and for that purpose shall be authorized to require the affidavit of one or more of such owners to that effect, and whenever a majority of such stock shall cease to be so owned, such bank shall be wound up, in like manner as in case of a refusal to redeem its notes.

SEC. 55. The banks established under said repealed act entitled "an act to authorize and regulate the business of General Banking," approved May 28th 1852, which have continued at all times to pay all their notes and obligations in compliance with that act, are hereby required at all times when called upon for that purpose by the Auditor, to keep a deposit of stock on file with the Treasurer as security for the redemption of their notes, and the rate of one hundred dollars worth of stocks for every hundred dollars of circulation according to the market rates in the city of New York, and no more.

SEC. 56. All laws and parts of laws conflicting with this act, are hereby repealed.

SEC. 57. Inasmuch as the General Banking Law of this State is insufficient to afford the people a sound circulating medium, an emergency exists for the immediate taking effect of this act; it is hereby declared that the same shall take effect and be in force from and after its passage.

Mr. Anthony moved to recommit bill No. 93 with the amendments, to the committee on the Judiciary, with the following instructions:

Whether so much of said bill as binds the State to stand indebted to her bondholders until the years 1864, '65 and '66, for the benefit of said bank, and for the purpose of giving said bank until that time to lift said bonds, (they being payable after 20 and within 30 years from the date of their issue, which was in the years 1834, '35 and '36, some being due at this time, and all to fall due soon,) is not a violation of the spirit and intent of the 12th section of 11th article of the Constitution, which declares "that the State shall never lend her credit in aid of any corporation association."



And that said committee also enquire whether that part of the bill which undertakes to give to the State a lien upon the stock of the bank in preference to all other creditors, is not a violation of the spirit and intention of that clause of the Constitution aforesaid, "prohibiting the State from being a stockholder in a bank after the expiration of the present bank charter?"

And also, whether it is not a violation of the 8th section of the 11th article of the constitution, which declares "that in case of the insolvency of a bank, the bill-holder (and not the State.) shall have preference over all other creditors."

And also enquire; whether that part of a bill which authorizes a branch of the present State Bank of Indiana to sell out the individual stock of the private stockholders to the bank incorporated by this bill, is not in violation of the Constitution of the United States and of this State, prohibiting private property from being taken without the consent of the owners; that is to say, whether *any* one can sell the stock belonging to a stockholder, but the stockholder himself.

And also to enquire, whether the 9th section of said act, which provides that the act shall never be amended, but by the consent of the President and Directors to be subsequently given, is not a violation of the 25th section of article 1. of the Constitution, which declares "that no law shall be passed, the taking effect of which, shall be made to depend upon any authority except as provided in this Constitution."

And also to enquire; whether said bill is in violation of any other clause of the Constitution of the United States, or of this State.

Mr. Alexander moved to lay Mr. Anthony's motion on the table

The ayes and noes were demanded by Senators Anthony and Hendry.

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Griggs, Harris, Hostetler, Jackson of Tipton, Mansfield, Parker, Reynolds, Richardson of Spencer, Robinson, Sage, Suit, Weston, Williams, and Witherow—25.

*Those who voted in the negative were,*

Messrs. Anthony, Drew, Ensey, Hendry, Hosbrook, Kightley, Mathes, Meeker, Rugg, Slater, Vandevanter and Wilson—12.

So the motion to recommit with instructions,  
Was laid on the table.

When,

On motion by Mr. Alexander,

Bills Nos. 93 and 86 were laid on the table and made the special order of the day for Monday, 2 o'clock P. M.

On motion by Mr. Slater,

Senate Bill No. 111. A bill for the incorporation of high schools, academies, colleges, universities, theological institutions and missionary boards.

Was taken from the table.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Bearss, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Griggs, Harris, Hawthorn, Hendry, Hosbrook, Kightley, Parker, Reynolds, Richardson of Spencer, Robinson, Rugg, Sage, Suit, Weston, Wilson, and Witherow—29.

*Those who voted in the negative were,*

Messrs. Brookshire, Jackson of Madison, Jackson of Tipton, Mansfield, Mathes and Meeker—6.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

On motion,

House bill No. 81. A bill to repeal the 10th section of an act entitled "an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of Judges thereof," approved June 11th, 1852.

Was taken from the table.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Brown, Burke, Combs, Crouse, Griggs, Harris, Hawthorn, Meeker, Parker, Reynolds, Sage, Suit, Vandevanter, and Witherow—15.

*Those who voted in the negative were,*

Messrs. Alexander, Bearss, Brookshire, Chapman, Crane, Cravens, Cutshaw, Drew, Ensey, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Richardson of Spencer, Robinson, Rugg, Slater, Weston, Wilson, and Woods—24.



So the bill did not pass.

On motion,

House bill No. 136. A bill to enable cities which have subscribed for stock in companies incorporated to construct works of utility under the 56th section of the general act for the incorporation of cities, and to ratify the same.

Was taken from the table.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Cutshaw, Drew, Ensey, Griggs, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Reynolds, Robinson, Rugg, Sage, Slater, Suit, Vandevanter, Weston, Wilson, Witherow and Woods—35.

Mr. Bearss voting in the negative,

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

On motion.

House bill No. 5. A bill to amend the 65th and 66th section of an act "providing for the settlement of decedents' estates, prescribing the rights and liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17th, 1852.

Was taken from the table.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Griggs, Harris, Hawthorn, Hosbrook, Hostetler, Jackson of Tipton, Parker, Reynolds, Robinson, Rugg, Sage, Suit, Weston, Wilson, Witherow, and Woods—30.

*Those who voted in the negative were,*

Messrs. Cutshaw, Hendry, Jackson of Madison, Mansfield, Mathes, Meeker, and Slater—7.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

*Senate Bills on Third Reading.*

No. 121. A bill to provide for a geological, minerological and agricultural survey of the State of Indiana.

Was read a third time.

Mr. Hendry moved to recommit with the following instructions:

To make the pay of geologist and chemist equal.

Which was not agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Griggs, Harris, Hawthorn, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Parker, Reynolds, Richardson of Spencer, Sage, Slater, Suit, Wilson, Witherow and Woods—28.

*Those who voted in the negative were,*

Messrs. Bearss, Brookshire, Hendry, Hosbrook, Mansfield, Mathes, Meeker, Rugg, and Weston—9.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 142. A bill to provide for the adoption of children, and changing their names,

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Cutshaw, Drew, Ensey, Griggs, Hawthorn, Hosbrook, Jackson of Madison, Kightley, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of Spencer, Robinson, Rugg, Sage, Slater, Suit, Weston, Wilson, Witherow and Woods—33.

Mr. Hostetler voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House have passed the following engrossed bills thereof :

House bill No. 100. A bill to amend section 540 of chapter 1st of the Statutes of 1852, entitled "an act to revise, simplify and abridge, the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, and to provide for changing the docketing of justices' judgments from the execution to the judgment docket of the court of common pleas," approved June 18th, 1852.

Also,

House bill No. 145. A bill to legalize, confirm and declare valid all sales of real estate, and all settlements of decedents' estates, and any and all acts done by any person, officer, corporation or association of persons, which may have been done in conformity with any amendatory act, passed during the 37th session of the General Assembly of the State of Indiana.

Also,

House bill No. 156. An act to authorize county auditors to make out lists of road taxes.

Also,

House bill No. 163. An act to amend the 54th section of act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading, and practice, without distinction between law and equity," approved June 18th, 1852.

Also,

House bill No. 154. A bill to cure defects in the execution of deeds, or in the certificates of acknowledgments to conveyances of real estate in certain therein named.

Also,

House bill No. 170. An act to authorize educational corporations to borrow money and secure the same by mortgage and to increase or diminish the number of their directors or trustees.

Also,

House bill No. 160. A bill to amend the act entitled "an act authorizing the construction of plank, McAdamized and gravel roads. To which the concurrence of the Senate is respectfully requested.

House bills Nos. 100, 145, 156, 163, 154, 170 and 160, contained in the foregoing message, were each read a first time and passed to a second reading.

Mr. Cravens offered the following resolution:

*Resolved*, That when the Senate adjourn, it adjourn to meet Monday at 9 o'clock.

Mr. Bearss moved to amend the resolution by striking out "9 o'clock, A. M." and inserting 2 o'clock, P. M.

Which was not agreed to.

The resolution was then adopted.

A message from the House, by Mr. Levering their clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate, that the House has passed the following engrossed bills thereof:

No. 61. A bill to authorize assessors to correct errors in assessments in real estate.

Also,

No. 119. An act to provide for the punishment of persons interfering with trains on railroads.

Also,

No. 120. A bill to amend the 21st section of an act prescribing the duties of justices of the peace in criminal prosecutions, approved May 29th, 1852, and to enable justices to obtain mileage in making returns.

Also,

No. 127. An act to amend the 596th section of chapter 1st, and article 29th of the Revised Statutes of 1852, and entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice, in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852.

House bills Nos. 61, 119, 120, and 127, contained in the foregoing message, were each read a first time and passed to a second reading.

A message from the House, by Mr. Levering, their Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed the following engrossed bills thereof, viz:

House bill No. 140. A bill to authorize the election of church wardens and vestrymen, and defining their powers and duties.

Also,

House bill No. 141. An act to reduce the width of the Michigan road.

Also,

House bill No. 150. A bill to authorize county commissioners in their respective counties, to sell the lands in which the surplus revenue funds belonging to the common schools has been invested, and to re-invest the proceeds.

Also,

House bill No. 153. A bill prohibiting adult persons from gaming or wagering with minors, and prescribing that such adults on conviction, shall be fined and imprisoned in the common jail, and making such minor a competent witness, and absolving the minor from liability for such gaming and wagering, in case the minor is a witness against the adults as may be charged.

House bills No. 140, 141, 150, and 153, contained in the foregoing message,

Were each read a first time and passed to a second reading.

On motion by Mr. Anthony,  
The Senate adjourned.

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MONDAY, 9 o'clock, A. M. {  
February 19th, 1855. }

The Senate met.

On motion by Mr. Anthony,  
The reading of the Journal of Saturday was dispensed with.

#### REPORTS FROM COMMITTEES.

Mr. Drew, from the committee on Corporations, made the following report:

MR. PRESIDENT:

The committee on Corporations, to whom was referred Senate bill No. 132, being an "act relative to the assessment of damages

against railroad companies," have considered the same, and instructed me to report the bill back to the Senate and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Drew, from a select committee, made the following report :

MR. PRESIDENT :

The select committee to whom was referred Senate bill No. 133, "a bill to fix the commencement of the terms of certain county officers, and to render the same uniform," have had the same under consideration, and have instructed me to report the same back with the following amendments:

In Section 1st, insert "auditor, recorder, and clerk," and add the following section :

Sec. 2. That whenever any of the aforesaid officers shall have been elected at the October election of 1854, said election shall be, and is hereby declared valid, and they shall enter upon the discharge of all the duties of the said offices, at the expiration of the term of the present incumbents, and hold the same as provided in the first section of this act.

The report was concurred in, amendments adopted, and the bill ordered to be engrossed.

#### ORDERS OF THE DAY.

##### *Senate Bills on Second Reading.*

No. 153. A bill to legalize the sale of certain lands lying in section 16, made by county Auditors and Treasurers.

Was read a second time, and

On motion by Mr. Anthony,

Referred to the committee on the Judiciary.

No. 154. A bill concerning liens of mechanics, merchants and others, approved May 20th, 1852.

Was read a second time, and

On motion by Mr. Anthony,

Referred to the committee on the Judiciary.

No. 155. A bill for the better security of the funds arising from the sale of swamp lands.

Was read a second time, and ordered to be engrossed.

No. 156. A bill to amend section 115 of chapter 1, part 2nd of 2nd vol. R. S. 1852.

Was read a second time, and



On motion by Mr. Anthony,  
Referred to the committee on the Judiciary.

No. 157. A bill legalizing the proceedings of the boards of county commissioners, at special or called sessions thereof.

Was read a second time, and

On motion by Mr. Anthony,  
Referred to the committee on the Judiciary.

*House Bills on Second Reading.*

No. 61. A bill to amend the 71st section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and Auditor of State," approved June 21, 1852, so as to authorize assessors to correct errors in assessment of real estate,

Was read a second time, and

On motion by Mr. Hendry,  
Referred to the committee on county and township business.

No. 100. A bill to amend section 540 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, and to provide for changing the docketing of justices' judgments, from the execution to the judgment docket of the court of common pleas.

Was read a second time, and

On motion by Mr. Hendry,  
Referred to the committee on the Judiciary.

No. 119. A bill to provide for the punishment of persons interfering with trains on railroads,

Was read a second time, and

On motion by Mr. Hendry,  
Referred to the committee on the Judiciary.

No. 120. A bill to amend the 21st section of an act prescribing the duties of justices of the peace in criminal prosecution, approved May 29th, 1852,

Was read a second time, and

On motion by Mr. Hendry,  
Referred to the committee on the judiciary.

No. 127. A bill to amend the 596th sec. of chap. 1st and art. 29th of Revised Statutes of 1852, and entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852,

Was read a second time, and

On motion by Mr. Shields,

Referred to the committee on the Judiciary.

No. 140. A bill to authorize the election of church wardens and vestrymen, and defining their powers and duties,

Was read a second time; and,

On motion by Mr. Slater,

Referred to the committee on Corporations.

No. 141. A bill to reduce the width of the Michigan road,

Was read a second time, and

On motion by Mr. Hawthorn,

Referred to the committee on Corporations.

No. 145. A bill to legalize, confirm and declare valid, all sales of real estate, all settlements of decedents estates, and any and all acts done by any person, officer, corporation or association of persons, which may have been done in conformity with any amendatory act, passed during the 37th session of the General Assembly of the State of Indiana,

Was read a second time, and

On motion by Mr. Slater,

Referred to the committee on the Judiciary.

No. 150. A bill to authorize county commissioners in their respective counties to sell the lands in which the surplus revenue fund belonging to common schools has been invested, and to re-invest the proceeds,

Was read a second time, and

On motion by Mr. Hendry,

Referred to the committee on Education.

No. 153. A bill prohibiting adult persons from gaming or wagering with minors, and prescribing that such adults on conviction, shall be fined and imprisoned in the county jail, and making such minor a competent witness, and absolving the minor from all responsibility for such gaming and wagering, in case the minor is a witness against such adults as may be charged,

Was read a second time, and

On motion by Mr. Hendry,

Referred to the committee on the Judiciary.

No. 54. A bill to cure defects in the certificates of acknowledgement to conveyances of real estate in certain cases therein named,

Was read a second time, and

On motion by Mr. Hendry,

Referred to the committee on the Judiciary.

No. 156. A bill to authorize county auditors to make out lists of road taxes,

Was read a second time, and

On motion by Mr. Slater,

Referred to the committee on Roads.

No. 160. A bill to amend an act entitled "an act authorizing the construction of plank, McAdamized and gravel roads,

Was read a second time, and

On motion by Mr. Hendry,

Referred to the committee on Corporations.

No. 163. A bill to amend the 55th sec. of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852,

Was read a second time, and

On motion by Mr. Hendry,

Referred to the committee on the Judiciary.

No. 170. A bill to authorize educational corporations to borrow money and secure the same by mortgage, and to increase or diminish the number of directors or trustees,

Was read a second time, and

On motion by Mr. Hawthorn,

Referred to the committee on the judiciary.

#### BILLS INTRODUCED.

By unanimous consent,

Mr. Cravens introduced

Senate Bill No. 158. A bill to amend "an act to incorporate the Madison Marine Insurance Company," approved Jan. 11, 1849.

Which was read a first time and passed to a second reading.

By unanimous consent,

Mr. Bearss introduced

Senate Bill No. 159. A bill to change the times of holding

courts in the 11th Judicial Circuit, and to provide for further time in the county of Miami.

Was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Drew introduced

Senate bill No. 160. A bill to suspend the operation of an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors except in cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance, approved February 16, 1855.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. McCleary introduced

Senate bill No. 161. A bill to extend relief to debtors.

Which was read a first time and passed to a second reading.

Leave being granted,

Mr. Mathes, from the committee on Finance, made the following report:

MR. PRESIDENT:

The committee on Finance, to whom was referred Senate bill No. 113, a bill to provide for the appraisement of real property and prescribing the duties of officers in relation thereto, have had the same under consideration, and have instructed me to recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

A message from the House, by Mr. Levering, their Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed without amendment:

Engrossed bill of the Senate No 127, entitled a bill defining the duties and fees of Notaries Public in the case of protest of the notes of suspended banks.

Also,

Joint resolution of the House No. 5, entitled a joint resolution in relation to cheap ocean postage."

In which the concurrence of the Senate is respectfully requested.

Joint resolution No. 5, contained in the foregoing message,  
Was read a first time and passed to a second reading.

Mr. Meeker, from the committee on Finance, made the following report:

MR. PRESIDENT :

The committee on finance, to whom was referred that portion of the Governor's message, relative to the additional responsibilities of the labors of the State Treasurer in relation to swamp lands, have had the same under consideration, and have instructed me to recommend the incorporation of the following resolution in the specific appropriation bill, to-wit :

That Elijah Newland be allowed five hundred dollars for receiving and disbursing the swamp land funds.

The resolution contained in the report, was adopted, and Referred to the committee on Finance.

Mr. Drew, from the committee on Finance, made the following report :

MR. PRESIDENT:

The committee on Finance, to whom was referred Senate bill No. 144. A bill to authorize the Governor to contract for the completion of the cells and cell-house at the State Prison, and appropriating a sum of money for the same, have had the same under consideration, and have instructed me to recommend its indefinite postponement, and ask to be discharged from the further consideration thereof.

The report was concurred in, and the bill indefinitely postponed.

On motion by Mr. Meeker,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

Leave being granted,

Mr. Freeland, from the committee on Education, made the following report:

MR. PRESIDENT:

The committee on Education, to whom was referred Senate bill



No. 151, relative to the State University, have had the same under consideration, and have directed me to report the bill back with the following amendments; and when so amended, recommend its passage. Amend as follows:

Strike out from the close of sec. 2, the following words: "and shall from its date be a lien on the lands and tenements of the obligors."

Strike out the last clause of sec. 5, which reads as follows: "such sale may be adjourned from day to day, as said commissioners may deem expedient," and insert in lieu thereof, as follows: "Such sale may be continued from day to day, until all the lands so advertised, have been offered for sale."

Strike out in the fifth line of section 7, the word "ten," and insert the word "three."

Insert after the word "University," in the eighth line from the close of the same section, the following proviso "*Provided*, upon the payment in full of all costs of suits and moneys due, such suits may be dismissed.

Strike out in forty-eighth line of section 8, the word "ten," where it is used before the words "several promissory notes," and insert the word "three."

Strike out in the fifty-first and fifty-second lines of the same section, the words "four, five, six, seven, eight, nine and ten," and insert the word "and" between the words "two" and "three." Insert after the word "record" in the last line but two of the same section, the following words: "upon being duly acknowledged."

Strike out section 21, and insert the following:

SEC. 21. In case sales of said lands cannot be made to meet the immediate requirements of said University, the trustees thereof are hereby authorized to mortgage any real estate of said University, or held for its use, to secure any sum or sums of money they may have borrowed, and also to secure the payment of any loans they may deem it necessary to make.

The report was concurred in, amendments adopted, and the bill ordered to be engrossed.

Leave being granted,

Mr. Hawthorn, from the committee on Corporations, made the following report:

MR. PRESIDENT:

The committee on Corporations, to whom was referred House bill No. 160, a bill to amend an act entitled "an act authorizing the construction of plank, McAdamized and gravel roads, and to empower the same, to make sale of a portion of their road, have had the same under consideration, and directed me to report the bill back and recommend its passage.

The report was concurred in, and the bill ordered to a third reading.



The hour having arrived for the consideration of the special order, being the report of the committee on Banks on

Senate bill No. 93. A bill to establish a bank with branches,

The report was concurred in, amendments adopted, and the bill ordered to be engrossed.

In further consideration of the special order, the report of the committee on Banks on

Senate bill No. 86. A bill to authorize the business of banking, and to repeal all former acts on that subject.

On motion by Mr. Spann,

The Senate resolved itself into Committee of the Whole on Senate Bill No. 86, Mr. Witherow in the chair.

After having spent some time in the consideration of the bill, the committee arose and made the following report by their chairman :

MR. PRESIDENT :

The Committee of the Whole, to whom was referred Senate bill No. 86, have had the same under consideration, and instruct me to report the same back to the Senate without amendment, and ask for further consideration of the same, to-morrow at 2 o'clock P. M.

On motion by Mr. Brown,  
The Senate adjourned.

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TUESDAY MORNING, 9 o'clock, }  
February 20th, 1855. }

The Senate met.

The journal of yesterday was read.

#### REPORTS FROM COMMITTEES.

Mr. Cravens, from the committee on Finance, made the following report :

MR. PRESIDENT :

The committee on Finance, to whom was referred Senate bill No. 139, a bill to provide for the election of officers for the State Prison, and for the appraisement of the property of said Prison, have had the same under consideration, and have instructed me to recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Caavens, from the committee on Finance, made the following report :

MR. PRESIDENT :

The committee on Finance, to whom was referred Senate bill No. 15, a bill to amend the 13th and 23d sections of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors and of the treasurer of state," approved June 21st, 1852, have had the same under consideration and have instructed me to recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Slater, from the committee on the Judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate bill No. 102, "a bill to provide for the public peace and private security, and to prevent conspiracies and combinations interfering with the free enjoyment of religious rights of citizens, and prescribing the punishment therefor," have had the same under consideration and have directed me to report it back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Anthony, chairman of the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the Judiciary to whom was referred House No. 145, "a bill to legalize, confirm, and declare valid all sales of real estate, all settlements of decedent's estates, and any and all acts done by any person, officer, corporation, or association of persons, which may have been done in conformity with any amendatory act,

passed during the 37th session of the General Assembly of the State of Indiana," have had the same under consideration, and have instructed me to report it back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to a third reading.

Mr. Witherow, from the committee on the judiciary, made the following report:

**MR. PRESIDENT:**

The committee on the judiciary, to whom was referred Senate bill No. 129, entitled a bill to amend section 2 of an act entitled an act prescribing and defining the powers and duties of constables," approved May 27, 1852, have had the same under consideration and have directed me to report the same back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Anthony, chairman of the committee on the Judiciary, made the following report:

**MR. PRESIDENT:**

The committee on the judiciary, to whom was referred Senate bill No. 153, a bill to legalize the sale of certain lands lying in section 16, made by auditors and treasurers," have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Hendry, from the committee on the Judiciary, made the following report:

**MR. PRESIDENT:**

The committee on the Judiciary, to whom was referred House bill No. 68, "a bill providing for trial of causes in the several circuit courts in cases in which the circuit judge is interested or related to either party, also providing for the holding of terms of courts when such judge is absent or unable to attend, and repealing sec. 3 and 4 of chap. 4 of 2d vol. of Revised Statutes of 1852, and providing for the compensation of persons holding such courts," have had the same under consideration, and have directed me to report it back without amendment and recommend its passage.

The report was concurred in, and the bill ordered to a third reading.

Mr. Meeker, from the committee on County and Township business, made the following report:

MR. PRESIDENT:

The committee on county and township business, in obedience to the following resolution, to-wit:

*Resolved*, That the committee on county and township business be instructed to report a bill giving exclusive jurisdiction to the boards doing county business, of the locating, opening, repairing and vacating roads and highways in each county,

Have directed me to report the following bill for the action of the Senate:

No. 162. A bill to amend the 15th, 18th and 35th sections of an act entitled "an act to provide for the opening, vacating and change of highways," approved June 17th, 1852, and to repeal sections 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37 and 38 of said act, and also to repeal sections 13, 14 and 18 of an act entitled "an act for the more uniform mode of doing township business," approved May 6th, 1852.

Which was read a first time, and passed to a second reading.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Parker introduced

Senate bill No. 163. A bill to apportion Senators and Representatives for the next six years,

Which was read a first time.

Mr. Parker moved to suspend the rules, and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Bearss, Brookshire, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Eusey, Freeland, Griggs, Harris, Hawthorn, Helm, Holbrook, McCleary, Meeker, Parker, Richardson of St. Joseph, Robinson, Sage, Shields, Shook, Slater, Spann, Weston, Witherow and Woods—33.

*Those who voted in the negative were,*

Messrs. Hostetler, Jackson of Madison, Mansfield, Mathes, Richardson of Spencer and Vandevanter—6.

So the rules were suspended, and the bill read a second time by its title.

On motion by Mr. Rugg,

The bill was referred to the select committee heretofore appointed on that subject.

By unanimous consent,  
Mr. Woods introduced

Senate bill No. 164. A bill to provide for the settlement of claims of the lessee of the State Prison,

Which was read a first time, and passed to a second reading.

By unanimous consent,  
Mr. Rugg introduced

Senate bill No. 165. "A bill to punish the fraudulent issue and transfer of certificates of stock in corporations,"

Which was read a first time, and passed to a second reading.

#### ORDERS OF THE DAY.

##### *Senate Bills on Second Reading.*

No. 158. A bill to amend "an act to incorporate the Madison Marine Insurance Company," approved Jan. 11th, 1849,

Was read a second time, and ordered to be engrossed.

No. 159. A bill to change the times of holding courts in the 11th Judicial Circuit, and to provide further time in the county of Miami,

Was read a second time.

Mr. Bearss moved to suspend the rules, and read the bill a third time now.

The ayes and noes being taken under the constitution,

##### *Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Cutshaw, Drew, Ensey, Freeland, Griggs, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, McCleary, Mansfield, Mathes, Meeker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Slater, Suit, Weston, Wilson and Witherow—37.

No Senator voting in the negative.

So the rules were suspended, and the bill read a third time.

On motion by Mr. Vandevanter,

The vote by which bill No 159 was ordered to be read a third time,

Was reconsidered,

And the bill referred to a select committee of three, consisting of Senators Vandevanter, Bearss and Chapman.

No. 160. A bill to suspend the operations of an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance," approved Feb. 16, 1855,

Was read a second time.

Mr. Hosbrook moved to amend, by striking out from the enacting clause, and insert the following: "That all the hogs remaining on hand at any distillery on the 12th of June next, shall be equally distributed amongst the poor of this State.

Sec. 2. That all persons now engaged in distilleries, who may be thrown out of employment, shall have the privilege of working on the swamp land ditches of the different counties in this State.

On motion by Mr. Slater,

The amendment was laid on the table.

On motion by Mr. Harris,

The bill was referred to a select committee consisting of Senators Drew, Slater, Brown, Suit and Spann,

With instructions that the suspension shall not apply to any portion of the bill except that that applies to the manufacture of spirituous and intoxicating liquors.

No. 161. A bill to extend relief to debtors.

Was read a second time, and ordered to be engrossed.

House joint resolution No. 5. A joint resolution in relation to cheap ocean postage.

Was read a second time.

On motion by Mr. Hostetler,

Referred to the committee on Federal Relations.

By unanimous consent

Mr. Anthony introduced,

Senate bill No. 166. A bill to authorize the issue of duplicate swamp land patents in certain cases.

Which was read a first time,

Mr. Anthony moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,



*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Chapman, Combs, Crane, Cutshaw, Drew, Ensey, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, McCleary, Mansfield, Mathes, Meeker, Parker, Robinson, Rugg, Sage, Shook, Slater, Suit, Vandevanter, Witherow and Woods—34.

No Senator voting in the negative.

So the rules were suspended, and the bill read a second time by its title.

Mr. Anthony moved to suspend the rules and read the bill a third time.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cutshaw, Drew, Ensey, Freeland, Griggs, Harris, Hawthorn, Helm, Hosbrook, Hostetler, Jackson of Madison, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Suit, Vandevanter, Weston, Wilson, Witherow and Woods—40.

No Senator voting in the negative.

So the rules were suspended and the bill read a third time,  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Harris, Hawthorn, Hendry, Hosbrook, Jackson of Madison, Mansfield, Mathes, Meeker, Parker, Reynolds, Robinson, Rugg, Sage, Shields, Shook, Suit, Vandevanter, Weston, Wilson, and Witherow—34.

*Those who voted in the negative were,*

Messrs. Brookshire, Helm, Hostetler, Kightley, Richardson of St. Joseph, and Richardson of Spencer—6.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed the following engrossed bill thereof :

No. 39. A bill to enable railroad companies to compromise with mortgages, and to convey a part of the road mortgaged in satisfaction of the mortgages, and to provide a mode of assessing damages for right of way, when the road has been built before such right of way is fully settled for ; and to enable the vendees on such settlement and conveyance, to hold and enjoy the part so conveyed in satisfaction of such mortgage.

In which the concurrence of the Senate is respectfully requested.

No. 39. contained in the foregoing message,  
Was read a first time and passed to a second reading.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed without amendment, engrossed bills of the Senate :

No. 24. Entitled a bill to provide for the election, fixing the compensation, and prescribing the duties of Attorney General of the State of Indiana.

Also,

Senate bill No. 17. A bill to authorize the successors of executors and administrators to make sales and conveyances of realty under orders of sale procured by their predecessors.

Also,

No. 13. A bill to amend section 3 of an act entitled " an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof," approved June 11th, 1852.

Also,

No. 143. A bill fixing the times of holding courts in the common pleas district composed of the counties of Tippecanoe and White.

Also,

Senate joint resolution No. 5. A joint resolution in relation to the election of United States Senators.

Also,

Joint resolution of the Senate No. 6. A joint resolution asking Congress to patent to the State of Indiana, all lands purchased of the United States after the passage of the act of Congress donating the swamp and overflowed lands to the State of Indiana, and afterward returned as swamp lands.

Also,

House bill No. 108. An act to provide for issuing fee bills and executions against sureties on appeal bonds in the supreme court.

In which the concurrence of the Senate is respectfully requested.

Bill No. 108, contained in the foregoing message,  
Was read a first time and passed to a second reading.

*Senate Bills on Third Reading.*

No. 67. A bill to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities.

On motion by Mr. Alexander,

The vote ordering the bill to be engrossed, was reconsidered, and the bill laid on the table.

No. 151. A bill relating to the State University, supplemental to, and amendatory to an act entitled "an act providing for the government of the State University, the management of its funds, and for the disposition of the lands thereof," approved June 17th, 1852, and providing for the appointment of two commissioners, and for the sale of lands belonging to the State for the use of the University, for transferring to the property thereof, securities entered into for its benefit by individuals, for repairing losses by fire of its library and buildings, and for securing a more economical administration of its affairs, by lessening the number of the board of its trustees, and limiting the expenses of managing its fund,

Was read a third time,

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brown, Burke, Chapman Combs, Crane, Cravens, Drew, Eusey, Freeland, Harris, Hawthorn, Hosbrook, Parker, Rugg, Sage, Shields, Stater, Suit, Tarkington, Wilson, and Woods—25.

*Those who voted in the negative were,*

Messrs. Brookshire, Griggs, Helm, Hendry, Hosteller, Jackson of Madison, Mansfield, Mathe, Meeker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Shook and Witherow—14.

So the bill did not pass, for want of a constitutional majority.

No. 148. A bill for the collection of the surplus revenue and other school and trust funds, and making county auditors and county treasurers competent witnesses in suits for the collection of the same,

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetter, Jackson of Madison, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Suit, Tarkington, Vandevanter, Weston, Wilson, Witherow and Woods—38.

No Senator voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 133. A bill to fix the commencement of the terms of certain county officers, and to render the same uniform,

Was read a third time,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Drew, Ensey, Freeland, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetter, Jackson of Madison, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Tarkington, Vandevanter, Weston, Wilson, Witherow, and Woods—39.

No Senator voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 113. A bill to provide the mode of trial, forming the issues, taking depositions, rights of challenge to jurors in suits involving the descent of real estate, the distribution of personal property, moneys and choses in action, of an intestate where there are defendants claiming adverse interests, and to regulate the practice as between such defendant and in such cases,

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Barnett, Bears, Brown, Burke, Chapman, Combs, Crane, Cravens, Ensey, Freeland, Griggs, Harris, Helm, Hendry, Hosbrook, Jackson of Madison, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Sater, Suit, Tarrington, Vandevanter, Weston, Wilson, Witherow and Woods—37.

Messrs. Brookshire and Hawthorn voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Leave being granted,

Mr. Hendry, from the committee on the Judiciary, made the following report:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred House bill No. 163, a bill to amend the 54th sec. of an act entitled "an act to revise, simplify and abridge the rule, practice, pleadings and forms in civil cases in the courts of this State, have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to a third reading.

Leave being granted,

Mr. McCleary, Chairman of the committee on Finance, made the following report:

MR. PRESIDENT:

The Finance committee, to whom was referred House bill No. 146, being a bill to authorize the commissioners of the sinking fund to adjust the unsettled account between the State of Indiana and the Merchants' bank in the city of New York, and to pay \$5,716,-90 due with interest, have examined the same, and had the same under respectful consideration, and have instructed me to report favorably, and request its passage without any amendment.

The report was concurred in, and the bill ordered to a third reading.

Mr. Vandevanter, from the committee on the Judiciary, made the following report



MR. PRESIDENT :

The committee on the Judiciary, to whom was referred Senate bill No. 156, a bill to amend sec. 115 of chap. 1, part 2d of 21 vol. of the Revised Statutes of 1852," have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Harris, from the committee on the Judiciary, made the following report :

MR. PRESIDENT :

The committee on the Judiciary, to whom was referred House bill No. 153, a bill to prohibit adult persons from gaming or wagering with minors, and prescribing that such adult on conviction, shall be fined and imprisoned in the county jail, and making such minor a competent witness, and absolving the minor from all liability for such gaming and wagering, in case the minor is a witness against such adults as may be charged, have had the same under consideration, and have directed me to report it back without amendment and recommend its passage.

The report was concurred in, and the bill ordered to a third reading.

Mr. Shields, from the committee on the Judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred House bill No. 119, a bill to provide for the punishment of persons interfering with trains on railroads, have had the same under consideration, and have directed me to report it back without amendment and recommend its passage.

The report was concurred in, and the bill ordered to a third reading.

On motion by Mr. Slater,  
The Senate adjourned.



2 o'clock, P. M.

The Senate met.

The Senate resolved itself into committee of the whole according to previous order.

Mr. Witherow in the chair,

On Senate bill No. 86, a bill to authorize the business of banking, and to repeal all former acts on that subject.

After having spent some time in consideration of the bill, the committee arose and made the following report by their chairman :

MR. PRESIDENT:

The committee of the whole, to whom was referred Senate bill No. 86, have had the same under consideration, and would report the same back without amendment, and ask to be discharged from the further consideration thereof.

The report was concurred in.

Mr. Reynolds moved to reconsider the report concurring in the report of the committee.

The ayes and noes were demanded by Senators Spann and Slater.

*Those who voted in the affirmative were,*

Messrs. Alexander, Barnett, Brookshire, Brown, Chapman, Crane, Cravens, Cutshaw, Drew, Ensey, Freeland, Hendry, Hosbrook, Hostetter, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Reynolds, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Tarkington, Vandevanter, Williams, Wilson, and Woods—32.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Combs, Crouse, Griggs, Harris, Hawthorn, Helm, Jackson of Madison. Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Suit, Weston, and Witherow—16.

So the vote on concurring was reconsidered.

Mr. Cravens moved to lay the bill and amendments on the table, and he made the special order of the day for to-morrow at 2 o'clock.

The ayes and noes were demanded by Senators Drew and Shook.

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Brookshire, Chapman, Cravens, Griggs, Harris, Hawthorn, Hendry, Hosbrook, Jackson of Madison, Meeker, Parker, Richardson of St. Joseph, Weston and Witherow—16.

*Those who voted in the negative were,*

Messrs. Barnett, Brown, Burke, Combs, Crane, Crouse, Cutshaw, Drew, Ensey, Freeland, Helm, Hostetter, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Reynolds, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Williams, Wilson and Woods—32.

So the bill and amendment was not laid on the table.

Mr. Shook moved to concur in the report of the committee with the following amendment:

Strike out "\$ 16" and insert "\$125" in section 6.

The ayes and noes being demanded by Senators Shook and Shields.

*Those who voted in the affirmative were,*

Messrs. Barnett, Bearss, Brookshire, Brown, Chapman, Ensey, Freeland, Hostetter, Mansfield, Mathes, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Shields, Shook, Slater, Spann, Williams, and Woods—21.

*Those who voted in the negative were,*

Messrs. Alexander, Burke, Combs, Crane, Cravens, Crouse, Harris, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Parker, Rugg, Sage, Suit, Tarkington, Vandevanter, Weston, Wilson and Witherow—24.

So the Senate did not concur in the report of the committee with the amendment.

Mr. Shields moved to lay the amendment of the committee on the table.

The ayes and noes being demanded by Messrs. Shields and Spann,

*Those who voted in the affirmative were,*

Messrs. Barnett, Brookshire, Brown, Cutshaw, Drew, Ensey, Freeland, Hendry, Hosbrook, Hostetter, Jackson of Madison, Jackson of Tipton, Mansfield, Mathes, Reynolds, Richardson of Spencer, Robinson, Shields, Slater, Spann, Williams and Woods—22.

*Those who voted in the negative were,*

Messrs Alexander, Burke, Chapman, Combs, Crane, Crouse, Harris, Hawthorn, Helm, Kightley, Meeker, Parker, Rugg, Sage, Shook, Suit, Tarkington, Vandevanter, Weston, Wilson, and Witherow  
—21.

So the amendment reported by the committee was laid on the table.

Mr. Bearss moved that the Senate adjourn,

Which was not agreed to.

Mr. Cravens moved to recommit the bill to the committee on Banks, with the following instructions:

Recommit to the committee on Banks, with instructions to report an amendment providing for the deposit with the Auditor or other proper officer, of collaterals to an amount equal to the notes issued, and also an amendment requiring the Auditor, or other proper officer, without delay to sell the securities for the redemption of any, or all of the notes protested and returned to said Auditor.

Mr. Shields moved to lay the motion to recommit with instructions, on the table.

Which was not agreed to.

On motion by Mr. Suit,

The bill was laid on the table.

Mr. Alexander moved that the Senate adjourn,

Which was not agreed to.

A message from the House, by Mr. Levering their clerk.

MR. PRESIDENT:

I am directed by the House to inform the Senate, that the House have concurred in engrossed amendment of the Senate to House bill No. 67, entitled "a bill to provide for the confinement of persons insane and dangerous when suffered to run at large, and for the compensation of any person to whom the custody of such insane person is committed."

A message from the House, by Mr. Levering their clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the Speaker has signed the following bills Nos. 5 and 136, and also joint resolution No. 4, and bring the same to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

A message from the House, by Mr. Levering their clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed enrolled bill of the Senate No. 127, and bring the same to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

Mr. Hostetler, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the enrolled with the engrossed copy of Senate bill No. 127, a bill defining the duties and fees of Notaries Public, in case of protest of the notes of suspended banks, and find the same correctly enrolled.

On motion by Mr. Cravens,  
The Senate adjourned.

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WEDNESDAY MORNING, 9 o'clock, }  
February 21th, 1855. }

The Senate met.

On motion by Mr. Anthony, the reading of the Journal of yesterday was dispensed with.

PETITIONS, MEMORIALS, &C.

By Mr. Drew;

A petition from sundry citizens of Vanderburgh county, on the subject of banking.

Referred to the committee on Banks.

By Mr. Sait;

A memorial from James G. Frazier, treasurer of Clinton county.  
Referred to the committee on Claims.

By Mr. Combs;

A petition from sundry citizens of Vigo county, asking the establishment of a bank with branches.

Referred to the committee on Banks.

By Mr. Richardson of St. Joseph;

A remonstrance from the citizens of Starke county, concerning county lines.

Referred to a select committee heretofore appointed on that subject.

#### REPORTS FROM COMMITTEES.

Mr. Hawthorn, from the committee on Swamp Lands, made the following report:

MR. PRESIDENT:

The committee on Swamp Lands to whom was referred Senate bill No. 149, entitled an act to authorize the commissioner on swamp lands, to compensate for ditching and draining where such has been completed by private enterprise, and was necessary to draining of swamp lands belonging to the State, or which has been, or may be sold as such, have had the same under consideration, and have directed me to report the same back with the following amendment and when so amended recommend its passage:

Amend section 2, after it reads "State of Indiana" in the 6th line, strike out the words "to ditch," and insert, "and shall have proceeded previous to the passage of this act."

The report was concurred in, the amendment adopted, and the bill ordered to be engrossed.

Mr. Richardson of Spencer, chairman of the committee on Agriculture, made the following report:

MR. PRESIDENT:

The committee on Agriculture to whom was referred Senate bill No. 150. A bill securing to the owners of steamboats and other water crafts the right of landing, for the purpose of receiving and discharging freight, determining their liability for so doing, and prescribing a remedy to enforce the same, have had that subject under consideration and have directed me to report the same back and recommend its indefinite postponement.

The report was concurred in, and the bill indefinitely postponed.

Mr. Harris, from the committee on the Judiciary, made the following report:

MR. PRESIDENT:

I am directed by the committee on the Judiciary, to report back House bill No. 80. "A bill requiring written briefs to be filed in the Supreme Court," and recommend its passage.

The report was concurred in, and the bill ordered to a third reading.

Mr. Harris, from the Judiciary committee, made the following report:

MR. PRESIDENT:

I am directed by the committee on the Judiciary, to report back Senate bill No. 97. A bill authorizing county recorders, and county surveyors to issue fee bills, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Harris, from the committee on the Judiciary, made the following report:

MR. PRESIDENT:

I am directed to report House bill No. 52. A bill to prohibit profanity, back to the Senate with the following amendment, and recommend its passage:

Strike out "*fourteen years*," and insert "*eighteen years*."

The report was concurred in, the amendment adopted, and the bill ordered to a third reading.

Mr. Hendry, from the committee on Education, made the following report:

MR. PRESIDENT:

The committee on Education, to whom was referred Senate bill No. 123, entitled "an act for extending relief to the borrowers of the Sinking Fund, Saline, Bank Tax, Surplus Revenue, and Congressional Township Funds," have had the same under consideration, and have directed me to report the bill back to the Senate and recommend that it be laid on the table.

The report was concurred in, and the bill laid on the table.

Mr. Tarkington, chairman of the committee on Education, made the following report:



MR. PRESIDENT :

The committee on Education to whom was referred Senate bill No. 128, entitled a bill to provide for a general and uniform system of common schools, and school libraries, and matters properly connected therewith, and to repeal all former acts inconsistent therewith," have had the same under consideration, and have directed me to report the bill back to the Senate and recommend its passage.

The report was concurred in.

On motion by Mr. Brown,  
The bill was laid on the table.

Mr. Vandevanter, from a select committee, made the following report :

MR. PRESIDENT :

The select committee to whom was referred Senate bill No. 159, entitled "an act to change the time of holding courts in the eleventh judicial circuit," have had the same under consideration, and have instructed me to report the same back with the following amendments, to-wit :

Strike out of section 1, all that relates to holding courts in the county of White.

Also, strike out the last word in said section, and insert in lieu thereof the word "Carroll."

Strike out the words "and White," where they occur in that order in section 2, and insert the word "and" between the words "Huntington" and "Howard ;" and when so amended to recommend its passage.

The report was concurred in, and amendments adopted.

The bill was considered as engrossed and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Crouse, Cutshaw, Drew, Harris, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Vandevanter, Weston, Witherow, Wilson and Woods—42.

No Senator voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Mr. Woods, from the committee on Education, made the following report:

MR. PRESIDENT:

The committee on Education, to whom was referred the petition of J. F. Draper and other citizens of Jennings county, praying for the incorporation into our educational system of township libraries and circuit superintendents, have, according to order, had the same under consideration, and have directed me to report that they have, in the general school bill, made provision for the former, but the latter they have omitted, because they do not consider instrumentalities involving so much expense to be economical, and indispensable to the efficiency of common schools, and ask to be discharged from the further consideration of the subject.

The report was concurred in, and the committee discharged from the further consideration of the subject.

#### RESOLUTIONS.

On motion by Mr. Hawthorn,

*Resolved*, That the State Printer be required to print for the use of this Senate, one thousand additional copies of the Report of the Trustees of the Wabash and Erie Canal, as the number printed was entirely insufficient.

On motion by Mr. Freeland,

*Resolved*, That the door-keeper be directed to enquire of the State Printer at what time we may expect the Geological Report of Dr. Brown to be delivered in the Senate chamber.

On motion by Mr. Freeland,

The vote by which Senate bill No. 151. A bill relating to the State University, was lost on its passage,  
Was reconsidered.

On motion by Mr. Hendry,

The bill was recommitted to the committee on the Judiciary, with the following instructions:

Recommit to the Judiciary committee with the following instructions:

1st. To enquire and report to the Senate whether the lands recently donated by Congress, and mentioned in the bill, were not granted to the State of Indiana upon the express trust that the lands or the proceeds thereof, should by the said trustee be faithfully applied to supply a deficiency in the endowment of the State

University, occasioned by a decision of the Supreme Court of the United States, made January 25th, 1853.

2d. To enquire and report to the Senate, whether the said trustee can lawfully make a different application of the said lands or the funds arising therefrom, without violating the Constitution; article 8, section 7.

3d. To enquire and report to the Senate, whether the State as trustee of the State University, has not fully paid and satisfied the aforesaid judgment and decree, by making the same a charge upon the State Treasury, and whether the said trustee can make any other disposition of said lands or the proceeds thereof, than to reimburse her Treasury in the amount she has paid as aforesaid.

On motion by Mr. Cravens,

The vote indefinitely postponing Senate bill No. 144, a bill to authorize the Governor to contract for the completion of the cells and cell-house at the State Prison, and appropriating a sum of money for the same,

Was reconsidered, and the bill ordered to be engrossed.

On motion by Mr. Alexander,

Senate bill No. 67, a bill to repeal all general laws now in force for the incorporating of cities, and to provide for the incorporation of cities,

Was taken from table.

Mr. Alexander moved to amend as follows:

After the word "may," in sec. 84, insert "have been annexed under either of the acts named in the 1st section of this act, or may."

Which was agreed to.

The bill was considered as engrossed, and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Burke, Combs, Crane, Cravens, Crouse, Drew, Ensey, Griggs, Hawthorn, Jackson of Tipton, McCleary, Parker, Reynolds, Rugg, Sage, Shields, Suit, Tarkington, Williams, Wilson and Witherow—23.

*Those who voted in the negative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Brown, Cuishaw, Freeland, Harris, Hosbrook, Hostetler, Jackson of Madison, Mansfield, Mathes, Meeker, Shook, Slater, Weston and Woods—18.

So the bill did not pass, for want of a constitutional majority.

## BILLS INTRODUCED.

By unanimous consent  
Mr. Anthony introduced,

Senate bill No. 167. A bill to cede to the United States, jurisdiction over lands in Michigan city, for a light-house and harbor,  
Which was read a first time.

Mr. Anthony moved to suspend the rules, and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Burke, Chapman, Combs, Crane, Cravens, Cutshaw, Drew, Ensey, Freeland, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Madison, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Weston, Wilson, and Woods—38.

No Senator voting in the negative.

So the rules were suspended and the bill read a second time by its title.

The bill was considered as engrossed.

Mr. Anthony moved to further suspend the rules and read the bill a third time,

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Burke, Chapman, Combs, Crane, Cravens, Drew, Ensey, Freeland, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Weston, Wilson, Witherow and Woods—40.

No Senator voting in the negative.

So the rules were suspended and the bill read a third time,  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Math-



es, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Witherow and Woods—43.

Mr. Senator voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

#### ORDERS OF THE DAY.

##### *Senate Bills on Second Reading.*

No. 162. A bill to amend the 15th, 18th and 35th sections of an act entitled "an act to provide for the opening, vacating and change of highways," approved June 17th, 1852, and to repeal sections 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37 and 38 of said act, and also to repeal sections 13, 14 and 18 of an act entitled "an act for the more uniform mode of doing township business," approved May 6th, 1852.

Was read a second time, and

On motion by Mr. Slater,

Referred to the committee on Roads.

No. 164. A bill to provide for the settlement of claims of the lessee of the State Prison,

Was read a second time, and

On motion by Mr. Brown,

Referred to the committee on Claims.

No. 165. A bill to prevent the fraudulent issue of stocks in corporations.

Was read a second time, and ordered to be engrossed.

##### *House Bills on Second Reading.*

No. 39. A bill to enable railroad companies to compromise with mortgages, and to convey a part of the road mortgaged in satisfaction of the mortgages, and to provide a mode of assessing damages for right of way, when the road has been built before such right of way is fully settled for; and to enable the vendees on such settlement and conveyance, to hold and enjoy the part so conveyed in satisfaction of such mortgage.

Was read a second time, and

On motion by Mr. Anthony,

Referred to the committee on the Judiciary.

No. 108. A bill to provide for issuing fee bills and executions against sureties on appeal bonds in the supreme court.

Was read a second time, and

On motion by Mr. Hendry,

Referred to the committee on the Judiciary.

*Senate Bills on Third Reading.*

No. 132. A bill in relation to the assessment of damages against railroad companies.

Was read a third time.

On motion by Mr. Jackson of Tipton,

A call of the Senate was ordered.

The Secretary proceeded with the call, when the following Senators answered to their names:

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Combs, Crane, Cravens, Cutshaw, Drew, Ensey, Freeland, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Weston, Williams, Wilson, Witherow and Woods—44.

On motion by Mr. Shields,

The further call was suspended.

Mr. Bearss moved to recommit the bill with instructions to strike out "taking into consideration the advantage of said road."

The ayes and noes being demanded by Senators Bearss and Hendry.

*Those who voted in the affirmative were,*

Messrs. Barnett, Bearss, Chapman, Hendry, Jackson of Madison, Richardson of St. Joseph, Robinson, Sage, Slater, Spann, and Suit—12.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Brown, Burke, Combs, Crane, Cravens, Cutshaw, Drew, Ensey, Freeland, Griggs, Hawthorn, Helm, Hosbrook, Hostetler, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Reynolds, Richardson of Spencer, Rugg, Shields, Shook, Tarkington, Weston, Williams, Wilson, Witherow and Woods—32.

So the bill was not recommitted with instructions.

The question being, shall the bill pass?



*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brown, Burke, Combs, Crane, Cravens, Cutshaw, Drew, Ensey, Freeland, Griggs, Hawthorn, Helm, Hosbrook, Jackson of Tipton, Kightley, Meeker, Parker, Reynolds, Richardson of Spencer, Rugg, Shields, Shook, Suit, Tarkington, Weston, Williams, Wilson, Witherow and Woods—31.

*Those who voted in the negative were,*

Messrs. Barnett, Bearss, Brookshire, Chapman, Glazebrook, Hendry, Hostetler, Jackson of Madison, Mansfield, Mathes, Richardson of St. Joseph, Robinson, Sage, Slater, and Spann—15.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 137. A bill to legalize the acknowledgment of all deeds and mortgages and other instruments required to be recorded, taken and certified by the clerks of the circuit courts of this State after the reception of the revised statutes of 1852, in their respective counties.

Was read a third time,  
The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brookshire, Burke, Chapman, Combs, Crane, Cravens, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—45.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 146. A bill legalizing the incorporation of such companies and their acts as organized under any of the acts contained in the revised statutes of 1852, after the passage of said statutes, and before they were distributed and went into effect.

Was read a third time.  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Cutshaw, Drew, Ensey, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, and Witherow—44.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 152. A bill defining the amount of property that shall be omitted by Executors and Administrators, in making out inventories,

Was read a third time,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Chapman, Combs, Crane, Cravens, Drew, Glazebrook, Griggs, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—40.

Mr. Bearss voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 155. A bill for the better security of the funds arising from the sale of the swamp lands,

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Drew, Glazebrook, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker,

Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—42.

Mr. Griggs voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 15. A bill to amend the 14th and 23d sections of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana—for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer of State," approved June 21st, 1852,

Was read a third time.

Mr. Harris moved to recommit the bill with the following instructions:

Amend, so that indebtedness may be taken out of solvent claims or personal property.

Mr. Shields moved to indefinitely postpone the bill and pending instructions.

The ayes and noes were demanded by Messrs. Shields and Vandevanter.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brown, Burke, Chapman, Combs, Cutshaw, Drew, Glazebrook, Griggs, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, McCleary, Mansfield, Mathes, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shields, Slater, Spann, Tarkington, Vandevanter, Weston, Wilson, and Woods—32.

*Those who voted in the negative were,*

Messrs. Alexander, Crane, Cravens, Kightley, Meeker, Parker, Reynolds, Robinson, Sage, Shook, Suit, and Witherow—12.

So the bill and instructions were indefinitely postponed.

Mr. Hostetler, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the enrolled with the engrossed copy of Senate bill No. 143, a bill fixing the times of

holding courts in the common pleas district composed of the counties of Tippecanoe and White.

Also,

No. 24. Entitled a bill to provide for the election, fixing the compensation, and prescribing the duties of Attorney General of the State of Indiana.

Also,

Joint resolution of the Senate No. 6. A joint resolution asking Congress to patent to the State of Indiana, all lands purchased of the United States after the passage of the act of Congress donating the swamp and overflowed lands to the State of Indiana, and afterward returned as swamp lands, and find the same correctly enrolled.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the Speaker has signed the following enrolled bill of the House, No. 67, and bring the same to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

A message from the House, by Mr. Levering their clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills of the Senate, Nos. 24 and 143, and also joint resolution No. 6, and bring the same to the Senate for the signature of the President thereof:

Whereupon the President signed the same.

On motion by Mr. Suit,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House have passed the following engrossed bills thereof:

House bill No. 12. An act to amend an act entitled "an act for the incorporation of insurance companies, defining their powers and prescribing their duties," approved June 17th, 1852.

Also,

House bill No. 102. A bill to amend Sec. 17 and part of Sec. 18, of an act incorporating the Lagro, Marion, and Jonesboro' plank road company.

In which the concurrence of the Senate is respectfully requested.

Mr. Slater moved to suspend the rules and read House bill No. 12 contained in the foregoing message, a first time by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Barnett, Bearss, Brookshire, Brown, Chapman, Crane, Crouse, Cutshaw, Drew, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, McCleary, Meeker, Reynolds, Richardson of St. Joseph, Rugg, Sage, Shields, Shook, Slater, Suit, Tarkington, Vandevanter, Weston, Williams and Witherow—34.

No Senator voting in the negative.

So the rule was suspended, and the bill read a first time by its title.

Mr. Slater moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Barnett, Bearss, Brookshire, Brown, Chapman, Crane, Crouse, Cutshaw, Griggs, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Mansfield, Meeker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Witherow and Woods—36.

No Senator voting in the negative.

So the rules were suspended, and the bill read a second time; and,

On motion by Mr. Slater,

Referred to the committee on Corporations.



No. 102 contained in the foregoing message, was read a first time and passed to a second reading.

Leave being granted,

Mr. Hawthorn presented a petition from sundry citizens of Gibson county, asking the establishment of a bank and branches.

Referred to the committee on Banks.

Leave being granted,

Mr. Tarkington presented a memorial from 195 citizens of Brown county, on the subject of the school fund.

Referred to the committee on Education.

Leave being granted,

Mr. Griggs, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the memorial of J. W. Cummins to be appointed special agent of the State of Indiana, to settle her per centage accounts with the United States, have had the same under consideration, and directed me to report the following bill and recommend its passage:

No. 168. A bill to appoint Jacob W. Cummins special agent of the State of Indiana, to settle her per centage accounts with the United States, and for his compensation therefor.

Which was read a first time.

Mr. Griggs moved to suspend the rule, and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Brookshire, Brown, Burke, Chapman, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Richardson of St. Joseph, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—40.

Mr. Richardson of Spencer voting in the negative.

So the rules were suspended, and the bill read a second time by its title.

On motion by Mr. Spann,

The bill was referred to the committee on Claims.

Leave being granted,



Mr. Tarkington, chairman of the committee on Education, made the following report:

MR. PRESIDENT :

The committee on the Education, to whom was referred House bill No. 150, a bill to authorize county commissioners in their respective counties to sell the lands in which the surplus revenue fund belonging to common schools has been invested, and to re-invest the proceeds, have had the same under consideration and have directed me to report the bill back to the Senate and recommend its passage.

The report was concurred in, and the bill ordered to a third reading.

On motion by Mr. Brown,

Senate bill No. 86. A bill to authorize the business of banking, and to repeal all former acts on that subject.

Was taken from the table.

Mr. Brown moved to amend as follows :

In section 1 at the end of line second add as follows : "the issue of all of which together with the issues of any already established, shall not exceed in the aggregate, five millions of dollars at any one time, and the issues of no one bank shall exceed two hundred thousand dollars."

Strike out in the first section, the 3d line.

Strike out section two.

In section three, 3d line, strike out " 6 " and insert " 4."

In same section 5th line, strike out " another " and insert " and two."

In 6th line same section, strike out the words " and the third for six years."

In 7th line same section, after the word " one " insert " or two."

In the 15th line, strike out the word " and "

In 20th line, after Auditor of State insert " for the benefit of whom it may concern, and any person injured may cause suit to be brought thereon, and shall recover all damages, which he shall be shown to have sustained, and one recovery shall not bar any subsequent suit for the benefit of any other party injured."

In 21st line, after the word " no " insert " other."

In 31st line, after the word business "insert the pay of whom shall not exceed 3,000 dollars."

In 35th line, after the word " demand " add the following : " *Provided*, every new bank established under this act, shall pay extra towards the general expenses of said banking department, one cent for every bill countersigned for them, and if a sufficient fund for the expenses of said department shall be raised thereby, no further assessment shall be made on other banks.

In line 41, strike out the word "so."

In lines 41 and 42, strike out the words "at any time as that in the opinion of said commissioners, the public good and security shall require it," and insert in 41st line after "conducted," "contrary to law."

In line 43, strike out "may" and insert "shall."

In 45th line, strike out "a" after suitable and insert "s" after "Journal."

In the 51st line of same section, insert "to" after the word "cause."

In 57th line, strike out the words "and real estate."

In section 4 line five, after "new years day," insert "days of general election."

Strike out from the word "aforesaid" in 9th line, to the word "any" in the 14th line.

After the word "same" in the 24th line, insert, "*Provided* that the duties of said receiver shall cease, whenever the creditors of such bank, other than bill holders, shall have fully paid."

In Section 5 line one, after "any" add the words "association of."

In same line, strike out "five" and insert "ten."

In same section lines one and two, strike out the words "in any district."

In 4th line same section, after the word "organizations," insert "the amount of capital stock of such association, and the number of shares into which such may be divided."

In same line strike out "five," and insert "ten."

In section 6 eighth line, strike out "ten" and insert "fifteen."

In same line strike out the words "on their capital," and insert "for every one hundred per centum of circulating notes they may require, *Provided*, that not less than 50,000 dollars of circulating notes shall be issued to any bank in the first instance."

In same section strike out all from the word "value," in the tenth line.

In section 7 first line, strike out the words "and mortgage."

In 8th section 10th line, strike out the word "or" and insert the word "of."

To section 8 add the following: "But the provisions of this section shall not apply to the banking associations already established under said repealed act, "entitled, &c," which have hertofore paid all their notes and obligations on demand, the stockholders of which are less than five in number, nor shall such association be bound by any of the provisions of this act, except so far as the same may be applicable to their situation."

Sec. 10. Seventh line, strike out "30" and insert "15." Same sec. 11th line, strike out "own" and insert "due."

Sec. 13. Strike out of 13th line the words "and real estate." Strike out of the same section all after the word "protest" in 17th line, and insert "in case of any deficit, the proceeds of said stock shall be divided *pro rata* among said bill holders, and in case of ex-

cess, such balance shall be paid over to said bank. And if the effects of such bank be insufficient to satisfy the demands against such bank, the commissioners shall proceed to collect off of the stockholders their *pro rata* proportion of such unsatisfied demand, not exceeding the amount of stock severally held by each.

Sec. 14. Sixteenth line, strike out the words "it shall be lawful for." Same sec. 17th line, after the word "commissioners," insert the words "shall immediately."

Sec. 16. Second line, strike out the word "instructions," and insert the word "restrictions."

Sec. 17. First line, strike out the word "monthly" and insert the word "quarterly." Also strike out the words "each month" in same line, and insert "January, April, July and October." In the 3d line same sec. strike out the word "month" and insert "quarter." Same sec. 10th line, strike out the word "monthly" and insert "quarterly."

Sec. 18. After the word "office" in fourth line, insert "or other place within this State." In same line, strike out the words "of any other bank out of this State."

Sec. 20. Any bank or banking association established under the general bank law of this State, as hereafter to be organized, desiring to go into liquidation for the purpose of closing business, shall give public notice of that fact in two newspapers at Indianapolis, and in one published at the place or nearest to the place, where such banking association is located, and the Auditor thereupon, shall receive and cancel all the issues of such bank or banking association, that may from time to time be presented by such association to him, and for every one hundred dollars thus canceled, he shall certify the same to the Treasurer, who shall surrender to such bank or banking association, the amount of stocks deposited to secure the same, as often as such notes shall have been received and canceled in sums large enough to cover the value of any or more of the securities in the hands of the Treasurer. *Provided*, that the Treasurer in so surrendering such securities, shall deliver to such bank or associations, securities not exceeding in value a fair average of those deposited by such bank or association, as near as may be. And at the expiration of two years, after such banks or banking association has given the notices required in this section, including the notice to all holders of its notes in circulation, to present them at said bank for payment, the treasurer shall surrender to such bank or association, all its stocks or securities remaining deposited in his office, if such bank or association shall file a bond or undertaking signed by all the owners of its stock, or a bond signed by any stock holder with security, to be approved by the Auditor, conditioned for the prompt payment on demand, of all its remaining outstanding notes, if any such notes remain unpaid.

In 23d sec. strike out the first line, and all of the second line to the word "it." In the 3d line of said section, insert after the word

"up" the words "such of said free banks heretofore established, as have suspended specie payment."

Sec. 24. Any bank heretofore established under the act to authorize and regulate the business of general banking, which has complied with the requisitions of said act, and continued to pay all its notes and obligations on demand, may, within three months from the passage of this act, be removed from its present location to any other of greater commercial importance, which may be deemed advisable by its stockholders, and upon such removal, all its notes and obligations shall be deemed payable at the place to which such removal is made, in the same manner they were payable at the place where said bank was located before such removal, and immediately upon making such removal, such bank shall file a notice thereof in the office of Auditor of State, and cause a similar notice thereof to be published in one or more newspapers published in the county where such bank was located, and in the county to which such removal is made, if to another county.

In the last line of sec. 27, after the word "in" insert "that and."

Sec. 28. Any banking association established under said repealed act entitled &c., &c., which has at all times redeemed all its notes and obligations on demand, may at any time within two years and a half from the passage of this act, elect whether to adopt the provisions of this act. And it shall be deemed to have elected to adopt such provisions, unless it shall file in writing of such fact within that time. If it shall elect not to adopt such provisions, it shall file a notice with said board to that effect, and shall thereupon be wound up in the manner specified in Sec. — of this act.

Which were severally agreed to.

Mr. Kightley moved to amend so as to limit to one hundred thousand dollars.

Which was not agreed to.

Mr. Shook moved to amend by striking out "five" in 1st section and inserting "eight."

Which was not agreed to.

Mr. Jackson moved to amend the second section by adding the following proviso: *Provided*, that nothing in this act shall be construed to affect any bank, that may at the time of the passage of this act be organized, and that may hereafter come under the provisions of this act.

Which was not agreed to.

Mr. Hostetler moved to amend as follows: In the 9th line of section 5, after the word "dollars," insert as follows—"one-half of which shall be held by actual resident citizens of this State."

Which was agreed to.

Mr. Shook moved to amend section 6 by striking out "fifteen," and inserting "twenty."

Which was not agreed to.

Mr. Shook moved to amend as follows:



In 6th section, strike out all which provides for the deposit with the bank commissioners, of any stocks or bonds of this State, or of the United States, excepting the stocks or bonds of other States now on deposit with the Auditor of State.

Which was not agreed to.

Mr. Robinson moved to amend section 6 after the words "market value," by adding the following—"but the bonds shall not be taken at more than their average value for the six months preceding the filing of the same."

Which was agreed to.

Mr. Cravens moved to amend section 13, in line 9, after the word "forthwith," strike out and insert the following—"sell the least amount of the securities of the bank so refusing redemption, as will provide payment for the note or notes so protested in lawful money of the United States, and any moneys that may remain of the proceeds of the sale of such securities, shall be deposited with the Treasurer of State, subject to the draft of said commissioners, for payment of protested notes of the bank to which the securities so sold belonged, and in case the collaterals are not sufficient for the redemption of all the notes secured by such collaterals, then said commissioners shall give notice in one or more," &c.—begin at line 11, section 13.

Which was not agreed to.

Mr. Helm moved to amend the 18th section, so as to allow all banks established under this act, to issue one-twentieth part of their circulation in notes of a less denomination than fives—say ones, twos and threes.

Which was not agreed to.

Mr. Hostetler offered the following amendments:

Strike out in section 14, 16th line, after the words "*was taken*," "*it shall be lawful for*." And add in the 17th line after the word "*commissioners*," "*shall immediately*."

Which was agreed to.

Mr. Freeland moved to amend sec 6, so that the banks now in existence, which have not refused to redeem in gold and silver, their bills at their counter, shall deposit only twelve per cent. additional stock, all the other provisions to apply to the banks now in operation.

Which was not agreed to.

Mr. Shields offered the following amendment:

S<sup>c</sup>. — That all banks doing business under this act, be and they are hereby mutually bound for the redemption of all notes issued by banks authorized by this act.

The ayes and noes being demanded by Senators Slater and Shields.

*Those who voted in the affirmative were,*

Messrs. Barnett, Brookshire, Brown, Cravens, Cutshaw, Freeland, Glazebrook, Hostetler, Jackson of Madison, Mansfield, Mathes

Richardson of Spencer, Robinson, Sage, Shields, Shook, Slater, Spann, Williams and Woods—20.

*Those who voted in the negative were,*

Messrs. Alexander, Bearss, Burke, Chapin, Crane, Crouse, Drew, Ensey, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Tipton, Kightley, Meeker, Parker, Reynolds, Richardson of St. Joseph, Rugg, Suit, Tarkington, Vandevanter, Weston, Wilson and Witherow—27.

So the amendment was not adopted.

Mr. Shook moved to amend as follows:

Sec. — That after the signing and delivery of the bills contemplated in this act, it is hereby made the duty of any bank or banking association, to place the same in their vaults for the redemption of any amount of gold or silver put in circulation by them in their ordinary banking business.

Which was not agreed to.

Mr. Kightley moved to amend as follows:

Sec. 25. No bank established under this act, or the act to which this is an amendment, shall be allowed to locate its banking house at any point in this State, unless said point contains one thousand inhabitants.

Which was agreed to.

Mr. Rugg moved to amend:

In 18th Sec. 4th line, add "or other place within this State."

Which was agreed to.

Mr. Bearss offered the following amendment:

No circulating notes shall be issued by any of said banks, (except one-twentieth part of their circulation) than five dollars, and such as they may issue, shall be of the even denomination of five, ten, twenty, fifty and one hundred dollars, and no bank shall permit to be paid out at its office, any notes or bill of any other bank out of this State, of a less denomination than five dollars.

Which was adopted.

Mr. Jackson of Tipton, moved to amend as follows:

Strike out in sec. 5, "any persons not less than five," and insert "any association of persons not less than ten."

Which was agreed to.

Mr. Shook moved to amend by adding

Sec. —. The banks or banking associations hereby authorized to be created, or which may have been created under the general banking law, are hereby expressly prohibited from forming any



agencies calculated to affect in any manner whatever, the value of free bank paper.

The ayes and noes being demanded by Messrs. Shook and Spann,

*Those who voted in the affirmative were,*

Messrs. Barnett, Bearss, Brookshire, Brown, Chapman, Cutshaw, Drew, Freeland, Glazebrook, Hawthorn, Hostetler, Jackson of Madison, Jackson of Tipton, Mansfield, Mathes, Reynolds, Richardson of Spencer, Robinson, Rugg, Shields, Shook, Slater, Spann, Vandevanter, Wilson and Woods—26.

*Those who voted in the negative were,*

Messrs. Alexander, Burke, Crane, Cravens, Crouse, Griggs, Harris, Helm, Hendry, Hosbrook, Kightley, Meeker, Parker, Richardson of St. Joseph, Sage, Suit, Tarkington, Weston, Williams and With-erow—20.

So the amendment was agreed to.

Mr. Hendry offered the following amendment:

Add to sec. 6, "and the provisions of this section shall apply to all the banks that have never refused to pay coin for their notes when demanded, and that were established under the act hereby repealed."

Which was not agreed to.

The question being on the engrossment of the bill,

The ayes and noes were demanded by Senators Barnett and Hendry.

*Those who voted in the affirmative were,*

Messrs. Anthony, Brown, Chapman, Crouse, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightly, Meeker, Parker, Reynolds, Richardson of St. Joseph, Robinson, Rugg, Sage, Suit, Tarkington, Weston, Williams, Wilson, With-erow and Woods—29.

*Those who voted in the negative were,*

Messrs. Alexander, Barnett, Bearss, Brookshire, Burke, Crane, Cravens, Cutshaw, Hendry, Hostetler, Mansfield, McCleary, Mathes, Richardson of Spencer, Shields, Shook, Slater, Spann and Vandevanter—18.

So the bill was ordered to be engrossed.

Mr. Hostetler, from the joint select committee on enrolled bills, made the following report:

MR. PRESIDENT :

The joint committee on enrolled bills have this day presented to the Governor for his signature, the following bills, to-wit:

No. 143. A bill fixing the times of holding courts in the common pleas district, composed of the counties of Tippecanoe and White.

Also,

No. 24. A bill to provide for the election fixing the compensation and prescribing the duties of Attorney General of the State of Indiana.

Also,

No. 127, A bill defining the duties and fees of Notaries Public, in the case of protest of the notes of suspended banks.

Also,

Senate joint resolution No. 6. A joint resolution asking Congress to patent to the State of Indiana, all lands purchased of the United States after the passage of the act of Congress donating the swamp and overflowed lands to the State of Indiana, and afterwards returned as swamp lands.

On motion by Mr. Bearss,  
The Senate adjourned.

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THURSDAY MORNING, 9 o'clock, }  
February 22d, 1855. }

The Senate met.

On motion by Mr. Meeker, the reading of the Journal of yesterday was dispensed with.

#### REPORTS FROM COMMITTEES.

Mr. Richardson of St. Joseph, chairman of the committee on Corporations, made the following report :

MR. PRESIDENT :

The committee on corporations have considered House bill No. 170. "A bill to authorize educational corporations, to borrow money, and secure the same by mortgage, and to increase or diminish the number of their directors or trustees," and I am instructed to report it to the Senate with a recommendation that it pass.

The report was concurred in, and bill ordered to a third reading.

Mr. Richardson of St. Joseph, chairman of the committee on Corporations, made the following report:

MR. PRESIDENT:

The committee on Corporations, have had under consideration House bill, No. 12. "An act to amend an act entitled an act for the incorporation of Insurance companies, defining their powers, and prescribing their duties," approved June 17, 1852, and I am directed to recommend its passage.

The report was concurred in, and the bill ordered to a third reading.

Mr. Shook, Chairman of the committee on county and township business, made the following report:

MR. PRESIDENT:

The committee on County and Township Business to whom was referred House bill No. 61. An act to amend the 71st section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and Auditor of State," approved June 21, 1852, so as to authorize assessors to correct errors in assessment of real estate, have had the same under consideration, and directed me to report it back without amendment and recommend its passage.

The report was concurred in, and the bill ordered to a third reading.

Mr. Drew, from a select committee, made the following report:

MR. PRESIDENT:

The select committee of the Senate to whom was referred Senate bill No. 160. "A bill to suspend the operation of an act entitled an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance," approved February 16, 1855, have in obedience with the instructions, directed me to report it back amended, by striking out from the enacting clause, and insert,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* that so much of an act entitled an act to prohibit the manufacture and sale of spirituous and intoxicating liquors except therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance, approved February 16,

1855, as relates to the manufacture of spirituous and intoxicating liquors, ale, beer and wine, be suspended for twelve months from the date of the taking effect of the above recited act.

And when so amended, they would respectfully recommend its passage.

The report was concurred in, amendment adopted, and the bill ordered to be engrossed.

Mr. Robinson, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of E. S. Floyd and others asking for a change in the line dividing the counties of Shelby and Decatur, have had the same under consideration, and have directed me to report the following bill, and ask to be discharged from the further consideration of the subject.

No. 169. A bill to provide for the change of county lines.

Which was read a first time and passed to a second reading.

Mr. Freeland, from a select committee, made the following report:

MR. PRESIDENT:

The committee to whom was referred the memorial of Doctors Hitt and Smith on the part of the Medical University at Vincennes, have directed me to report the following bill and recommend its passage:

No. 170. A bill to provide for incorporating medical societies, and for the promotion and diffusion of correct medical knowledge.

Which was read a first time and passed to a second reading.

On motion by Mr. Rugg,

A recount was taken on

Senate bill No. 50. A bill to provide for election of United States Senator.

The question being, shall the bill pass?

Mr. Brown moved the previous question.

Mr. Burke moved to lay the motion of Mr. Brown on the table.

The ayes and noes were demanded by Senators Suit and Slater.

*Those who voted in the affirmative were,*

Messrs. Bearss, Burke, Chapman, Combs, Crane, Cravens, Crouse, Ensey, Freeland, Griggs, Harris, Helm, Hendry, Meeker, Parker, Robinson, Sage, Suit, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—24.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Cutchaw, Drew, Glazebrook, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shields, Shook, Slater, Spann and Tarkington—26.

So the motion of Mr. Brown was not laid on the table.

Mr. Suit moved that the Senate adjourn.

Which was not agreed to.

The call for the previous question was seconded.

The question then being, shall the main question be now put?

It was agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Cutchaw, Drew, Glazebrook, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shields, Shook, Slater, Spann, and Tarkington—26.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Chapman, Combs, Crane, Cravens, Crouse, Ensey, Freeland, Griggs, Harris, Helm, Hendry, Meeker, Parker, Robinson, Sage, Suit, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—24.

So the bill passed.

Mr. Witherow moved to amend the title of the bill as follows:

“An act to prevent the election of United States Senator at the present session of the General Assembly.”

Mr. Brown moved to lay the amendment on the table.

The ayes and noes were demanded by Senators Witherow and Slater.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Cutchaw, Drew, Glazebrook, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Shook, Slater, Spann, and Tarkington—28.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Chapman, Combs, Crane, Cravens, Crouse, Ensey, Freeland, Griggs, Harris, Helm, Meeker, Parker, Robinson, Suit, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—22.

So the amendment was laid on the table.

*Ordered*, That the Secretary inform the House thereof.

Mr. Suit moved to take from the table, message of the House containing resolution for the election of officers.

Mr. Brown moved to lay the motion on the table.

The ayes and noes were demanded by Senators Burke and Suit.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Cuthshaw, Drew, Glazebrook, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Shields, Shook, Slater, Spann and Tarkington—26.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Chapman, Combs, Crane, Cravens, Crouse, Ensey, Freeland, Griggs, Harris, Helm, Hendry, Meeker, Parker, Robinson, Sage, Suit, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—24.

So the motion was laid on the table.

Leave being granted,

Mr. Anthony offered the following resolution :

WHEREAS, there is no law on the Statute book providing for the election of United States Senator, and in the absence of any Statutory provision, it is competent for the Legislature to prescribe by resolution, the manner of appointment, and the person to be appointed ; therefore, the House of Representatives concurring therein,

*Resolved*, That Isaac Blackford be, and he is hereby appointed and chosen Senator in Congress from the State of Indiana, for the term of six years from and after the fourth day of March next ; and that the Governor give to said appointee a certificate under his seal of office, of his said election.

Mr. Suit moved to amend the resolution by striking out the name of " Isaac Blackford," and inserting " Joseph G. Marshall."



Mr. Brown moved to lay the amendment on the table.  
The ayes and noes were demanded by Senators Suit and Burke.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Cutchaw, Drew, Glazebrook, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shields, Shook, Slater, Spann, and Tarkington—26.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Chapman, Combs, Crane, Cravens, Crouse, Ensey, Freeland, Griggs, Harris, Helm, Hendry, Meeker, Parker, Robinson, Sage, Suit, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—24.

So the amendment was laid on the table.

Mr. Brown moved the previous question,  
Which was seconded by the Senate.

The question being shall the main question be now put?

It was agreed to.

The question being on the adoption of the resolution, .

The ayes and noes were demanded by Senators Suit and Hendry.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Cutchaw, Drew, Glazebrook, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shields, Shook, Slater, Spann, and Tarkington—26.

*Those who voted in the negative, were,*

Messrs. Bearss, Burke, Chapman, Combs, Crane, Cravens, Crouse, Ensey, Freeland, Griggs, Harris, Helm, Hendry, Meeker, Parker, Robinson, Sage, Suit, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—24.

So the resolution was agreed to.

On motion by Mr. Suit,

House bill No. 8. A bill to regulate the election of United States Senator.

Was taken from the table.

Mr. Brown moved to indefinitely postpone the bill.  
The ayes and noes were demanded by Senators Hendry and Suit.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Cutshaw, Drew, Glazebrook, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shields, Shook, Slater, Spann and Tarkington—26.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Chapman, Combs, Gravens, Crouse, Ensey, Freeland, Griggs, Harris, Helm, Hendry, Meeker, Parker, Robinson, Sage, Suit, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—24.

So the bill was indefinitely postponed.

Leave being granted,

On motion of Mr. Jackson of Tipton,

*Resolved*, That the Judiciary committee be requested to report back bill No. — in regard to reducing the price of swamp lands, with their views in regard to the constitutionality of passing local laws on the subject, as per instructions.

Leave being granted,

Mr. Reynolds, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred Senate bill No 140, have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage.

No. 140. A bill to provide for the government and discipline of the State Prison.

The report was concurred in, and the bill ordered to be engrossed.

Leave being granted,

Mr. Richardson of St. Joseph, chairman of the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations have considered House bill No. 140, a bill to authorize the election of church wardens, and defining

their powers and duties, and have directed me to report it back to the Senate and recommend its passage.

The report was concurred in, and the bill ordered to a third reading.

On motion by Mr. Drew,  
The vote by which,  
Senate bill No. 67. A bill to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities.

Was ordered to be engrossed,

Was reconsidered.

On motion by Mr. Drew,  
The bill was amended as follows:  
Strike out in Sec. 84, the words "have been annexed under either of the acts named in the first section of this act, or may."

The bill was considered as engrossed.

Mr. Slater moved to suspend the rules and read the bill a third time.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Brown, Chapman, Combs, Crane, Crouse, Cutshaw, Drew, Ensey, Griggs, Hawthorn, Hostetler, Jackson of Madison, Jackson of Tipton, McCleary, Mansfield, Mathes, Reynolds, Richardson of St. Joseph, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Tarkington Vandevanter, Weston, Wilson, and Witherow—32.

*Those who voted in the negative were,*

Messrs. Alexander, Bearss, Burke, Cravens, Freeland, Glazebrook, Helm, Hendry, Hosbrook, Kightley, Meeker, Parker, Suit, and Woods—14.

So the rules were suspended.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Brown, Chapman, Crane, Crouse, Cutshaw, Drew, Ensey, Griggs, Harris, Hawthorn, Jackson of Madison, Jackson of Tipton, McCleary, Mansfield, Reynolds, Richardson of St. Joseph, Rugg, Shields, Slater, Spann, Tarkington, Vandevanter, Weston, Witherow and Woods.—28.

*Those who voted in the negative were,*

Messrs. Alexander, Barnett, Bearss, Burke, Freeland, Glazebrook, Helm, Hendry, Hosbrook, Hostetler, Kightley, Mathes, Meeker, Parker, Shook and Suit—16.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

#### JOINT RESOLUTIONS INTRODUCED.

By unanimous consent,  
Mr. Tarkington introduced

Senate joint resolution No. 9. A joint resolution in relation to the three per cent. fund, and appointing the Governor to settle the same.

Which was read a first time and passed to a second reading.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Jackson of Tipton introduced

Senate bill No. 171. A bill to regulate conductors and engineers of railroads, requiring them to run to time tables, and penalty for failure so to do.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Tarkington introduced

Senate bill No. 172. A bill for the relief of county treasurers in the several counties of this State, and providing that the State Treasurer shall receive the depreciated State stock money, which has been collected in good faith by county treasurers, as the same was received by said treasurers for taxes.

Which was read a first time, and passed to a second reading.

Leave being granted,

Mr. Reynolds, chairman of the committee on Claims, made the following report:

MR. PRESIDENT:

The committee on Claims to whom was referred Senate bill No. 164, have had the same under consideration, and directed me to report the same back without amendment, and recommend its passage.

No. 164. A bill to provide for the settlement of claims of the lessee of the State prison.

The report was concurred in and the bill ordered to be engrossed.

Mr. Rugg, chairman of the committee on the Organization of Courts, made the following report:

MR. PRESIDENT :

The committee on the Organization of Courts to whom was referred House bill No. 77. To fix the time of holding courts of common pleas, &c., have had the same under consideration, and made the following amendments thereto, upon the adoption of which by the Senate, they recommend its passage.

Amend section 54, second line—strike out the word “first,” and insert the word “second.”

Amend section 75, by inserting before the word “October” the words “third Monday of.”

Amend section 80, by striking out the second line, and the three first words of the third line, as follows—“first Mondays in January, April, July and October,” and insert instead thereof the words “third Mondays of March, June, September and December.”

Amend section 89, by striking out the words “fourth Mondays in January, April, July and October,” and insert instead thereof the words “first Mondays in March, June, September and December.”

On motion by Mr. Alexander,  
The bill and report was laid on the table.

By unanimous consent,  
Mr. Tarkington introduced

Senate bill No. 173. A bill to increase the compensation of the judges of the circuit courts, and to repeal all laws now in force fixing the same.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. McCleary introduced

Senate bill No. 174. A bill authorizing railroad, plank road, turnpike road, and McAdamized road companies to close up their business and dissolve their organization.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

#### *House Bills on second Reading.*

No. 102. A bill to amend section 17, and part of section 18, of

an act incorporating the Lagro, Marion and Jonesboro' Plank Road Company.

Was read a second time, and

On motion by Mr. Richardson of St. Joseph,  
Referred to the committee on Corporations.

*Senate Bills on Third Reading.*

No. 93. A bill to establish a bank with branches.  
Was read a second time.

On motion by Mr. Woods,

*Resolved*, That when the Senate adjourns, it adjourns to meet to-morrow morning at 9 o'clock.

On motion by Mr. Woods,  
The Senate adjourned.

FRIDAY MORNING, 9 o'clock, A. M. }  
February 23, 1855. }

The Senate met.

The Journal of yesterday was read.

PETITIONS PRESENTED.

By Mr. Woods;

A petition from certain citizens of Clark county, in favor of a claim of Benj. P. Fuller.

Referred to the committee on Claims.

By Mr. Hostetler,

A petition from sundry citizens of Lawrence county, asking the Legislature to abolish the common pleas district composed of the counties of Lawrence and Jackson, and attach Lawrence county to some adjoining district.

Referred to the committee on the organization of courts.



## REPORTS FROM COMMITTEES.

Mr. Anthony, chairman of the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the Judiciary, to whom was referred House bill No. 39, "a bill to enable railroad companies to compromise with mortgagees, and convey part of the road mortgaged in satisfaction of the mortgagees, and to provide a mode of assessing damages for right of way," &c., have had the same under consideration, and have directed me to report it back without amendment and recommend its passage.

The report was concurred in, the bill considered as engrossed,

And read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Bearss, Brown, Burke, Chapman, Combs, Crane, Drew, Ensey, Freeland, Griggs, Harris, Hawthorn, Helm, Hosbrook, Hostetler, Jackson of Tipton, Kightley, Meeker, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Spann, Suit, Tarkington, Vandevanter, Weston, Wilson, Williams, and Woods—34.

Messrs. Cutshaw, Mansfield, and Mathes, voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Mr. Hendry, from the committee on the Judiciary, made the following report:

MR. PRESIDENT :

The judiciary committee, to whom was referred Senate bill No. 151, a bill relating to the State University, and to the sale of the lands belonging thereto, together with instructions

To enquire and report to the Senate whether the lands recently donated by Congress to the State of Indiana, were not to supply a deficiency in the endowment of said University.

2d. To enquire and report whether the State as trustee of said lands, can make a different application of said fund from that required in the grant, without a violation of Art. 8, Sec. 7 of the State Constitution.

3d. To enquire whether the State has not paid a judgment or decree against the funds of said University, and may not, in justice and equity, reimburse herself out of the proceeds of the sales of the lands mentioned in the bill,

Have had the same under consideration, and directed me to report that the propositions assumed in the 1st and 3d instructions are clearly wrong. That, in answer to the 2d, your committee are of the opinion that to authorize the trustees of the State University to appropriate the proceeds of the sales of lands to the erection of perishable structures, for the accomodation of said State University or for the payment of its d bts. would be doing violence to the clear and explicit language of the grant, which directs that the proceeds of said lands when sold, shall be, and forever remain a fund for the use of the Indiana University, and a violation of the article of the constitution above referred to.

The report was concurred in.

On motion by Mr. Hendry,

The vote by which the foregoing bill was ordered to be engrossed, Was reconsidered.

Mr. Tarkington moved to amend the bill as follows:

Strike out section 11. Also strike out section 21, and insert in lieu thereof, as follows:

Sec. 21. The trustees of Indiana University are hereby authorized to mortgage any real estate of said University, or held for its use, except the lands granted to the same by an act of Congress, approved February 23, 1854.

Which was agreed to.

On motion by Mr. Hendry,

The bill was laid on the table.

Mr. Brown, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 47, with instructions to examine whether there can be a local law passed on the subject of reducing the price of swamp lands, have had the same under consideration, and have directed me to report that it is inexpedient to pass a local law on the subject of said bill, and request to be discharged from a further consideration of the subject.

The report was concurred in.

Mr. Bearss moved to indefinitely postpone the bill.

The ayes and noes were demanded by Senators Bearss and Shook,

*Those who voted in the affirmative were,*

Messrs. Barnett, Bearss, Burke, Chapman, Cravens, Crouse, Glazebrook, Griggs, Helm, Hendry, McCleary, Mathes, Meeker,

Richardson of St. Joseph, Richardson of Spencer, Robinson, Shook, Weston, Williams, Wilson and Witherow—22.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Brown, Combs, Crane, Cutshaw, Drew, Ensey, Harris, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Parker, Rugg, Shields, Spann, Suit, Tarkington and Woods—23.

So the bill was not indefinitely postponed.

On motion by Mr. Slater,  
The bill was laid on the table.

Leave being granted.

On motion by Mr. Griggs,  
Message of the House was taken up.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has adopted the following resolution, in which the concurrence of the Senate is respectfully requested :

*Resolved*, That the House will, the Senate concurring, go into the election of United States Senator, State Librarian, State Printer, Agent of State, Warden of the State Prison, and all other officers to be elected, to-morrow at 2 o'clock P. M.

Mr. Brown moved that the further consideration of the subject be postponed until Tuesday next, at 2 o'clock P. M.

The ayes and noes were demanded by Senators Brown and Griggs.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Cutshaw, Drew, Glazebrook, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shields, Shook, Slater, Spann, Tarkington, and Woods—27.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Chapman, Combs, Crane, Cravens, Crouse, Ensey, Freeland, Griggs, Harris, Helm, Hendry, Meeker, Parker, Robinson, Sage, Suit, Vandevanter, Weston, Williams, Wilson and Witherow—22.

So the further consideration of the resolution was postponed until Tuesday next, at 2 o'clock, P. M.

Leave being granted,

Mr. Slater presented a petition from sundry citizens of York township, Dearborn county, on the subject of banks.

Referred to the committee on Banks.

Mr. Suit, from the committee on the Judiciary, made the following report:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred Senate bill No. 157. "A bill legalizing the proceedings of the boards of county commissioners at special or called sessions," have had the same under consideration, and have directed me to report it back without amendment and recommend its passage.

• The report was concurred in, and the bill ordered to be engrossed.

Mr. Suit, from the committee on the Judiciary, made the following report:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred House bill No. 120. "A bill to amend the 21st section of act prescribing the duties of justices of the peace in criminal prosecutions, and to enable justices to obtain mileage in making returns," have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to a third reading.

Mr. Witherow, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred House bill No. 108. "A bill to provide for the issuing fee bills and executions against sureties on appeal bonds in Supreme Court," have had the same under consideration, and have directed me to report it back, amended by striking out the word "filed" where it occurs in fifth line of section 3, and insert in its place "decided," and when so amended recommend its passage.

The report was concurred in, the amendment adopted, and the bill ordered to a third reading.

Mr. Witherow, from the committee on the Judiciary, made the following report:

MR. PRESIDENT:

• The committee on the Judiciary to whom was referred House bill

No. 122, entitled "a bill to amend the 9th section of an act regarding estrays and articles adrift, approved June 16th, 1852, so as to entitle justices to receive mileage in making returns of sale," have had the same under consideration, and have instructed me to report the same back with the following amendments, and when so amended would recommend its passage:

Amend the section as amended—

1st. By striking out the word "and" in the 16th line.

2nd. After word "fee" in the 17th line, insert the following—"and five cents for every mile that it is necessary for him to travel in making said return."

3rd. Strike out all after "auditor" in the 22nd line.

The report was concurred in, the amendments adopted, and the bill ordered to a third reading.

Mr. Hendry, from the committee on Judiciary, made the following report:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred House bill No. 127. "A bill to amend the 596th section of chapter 1st and article 29th of the revised statutes of 1852, and entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in this State," &c., have had the same under consideration, and have directed me to report it back without amendment and recommend its passage.

The report was concurred in, and the bill ordered to a third reading.

Mr. Rugg, chairman of the committee on the Organization of Courts, made the following report.

MR. PRESIDENT:

The committee on the organization of courts, to whom was referred the following resolution of the Senate:

*Resolved*, That the committee on the organization of courts be instructed to report a bill to reduce the number of districts of common pleas courts one-third or one-half, and that the same take effect on the second Tuesday in October, 1856.

Have had the same under consideration, and direct me to report the following bill and recommend its passage:

No. 175. A bill districting the State into common pleas districts, fixing the salaries of the judges of the common pleas, and the manner of payment thereof, and to repeal the 3d, 38th, and 39th sections of chapter 8 part first Revised Statutes of 1852.

The report was concurred in, and the bill read a first time.



Mr. Rugg moved to suspend the rule, and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Cutshaw, Drew, Ensey, Freeland, Griggs, Harris, Hawthorn, Helm, Hendry, Ho-brook, Hostetler, Jackson of Madi-on, Jackson of Tipton, Mansfield, Mathes, Meeker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Suit, Tarkington, Vandevanter, Williams, Wilson, Witherow and Woods—42.

Messrs. Bearss and Spann, voting in the negative.

So the rules were suspended, and the bill read a second time by its title.

On motion by Mr. Rugg,

The bill was made the special order of the day for Monday next at 2 o'clock, P. M.

Mr. Tarkington, chairman of the committee on Education, made the following report:

**MR. PRESIDENT:**

The committee on Education, to whom was referred the petition from a large number of citizens of Brown county in this State, praying that the funds raised in each county in this State may not be retained in such county, but be consolidated by the State, have had the same under consideration, and have directed me to report that the school bill heretofore reported by said committee and now pending in the Senate, complies with the prayer of said petitioners, the committee, therefore, ask to be discharged from further consideration of the subject.

The report was concurred in.

Mr. Spann, chairman of the committee on military affairs, made the following report:

**MR. PRESIDENT:**

The committee on military affairs, to whom was referred so much of the Governor's message as relates to inclosing the military grounds, (near the capitol,) have had the same under consideration, and have directed me to report, that in the opinion of said committee, it is inexpedient to legislate on the subject at this time.

The report was concurred in.



Mr. Tarkington, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred House bill No. 89, regulating the fees of officers, have had the same under consideration, and have directed me to report the following amendments to the amendments:

1st. Amend sec. 14, 32d line, by striking out "10" and insert "20."

2d. Amend sec. 7, 6th line, by striking out "95" and insert "\$100."

3d. Amend sec. 8, 6th line, so as to read, "filing each paper except county orders and papers (or lists) returned by assessors, 5."

4th. Wherever  $12\frac{1}{2}$  occurs in the bill and was stricken out and 10 inserted, strike out "10" and insert " $12\frac{1}{2}$ ."

5th. Also the following amendments to the original bill: Sec. 14, 10th line, strike out "25" and insert "50."

6th. Sec. 15, 19th line, strike out "25" and insert "50." Same sec. 26th line, strike out "25" and insert "50." Same sec. 32d line, strike out "10" and insert "25."

Amend sec. 1, 23d line, strike out "10" and insert " $12\frac{1}{2}$ ." Same sec. 52d line, strike out "10" and insert " $12\frac{1}{2}$ ."

Amend sec. 7 after 24th line, as follows: "the Recorder is authorized to issue fee bills for his own fees."

And after being so amended, recommend its passage.

On motion by Mr. Spann,  
The bill and amendments were laid on the table.

#### BILLS INTRODUCED.

By unanimous consent  
Mr. Hawthorn introduced

Senate bill No. 176. A bill to amend sections three and six of an act providing for the election and prescribing certain duties of county surveyor, approved June 17, 1852.

Which was read a first time.

Mr. Hawthorn moved to suspend the rules, and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Mansfield, Mathes, Meeker, Parker, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit,

Tarkington, Vandevanter, Weston, Wilson, Witherow and Woods  
—39.

No Senator voting in the negative.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Hawthorn,

The bill was referred to a select committee consisting of Senators Hawthorn, Burke and Hosbrook.

By unanimous consent,

Mr. Suit introduced,

Senate bill No. 177. A bill to legalize the organization of railroad companies, and election of directors thereof in certain cases, Which was read a first time,

Mr. Suit moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson, of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Shields, Shook, Slater, Suit, Tarkington, Vandevanter, Weston, Wilson, Witherow and Woods—42.

Mr. Bearss voting in the negative.

So the rules were suspended, and the bill read a second time by its title.

On motion by Mr. Suit,

The bill was referred to a select committee of three. Senators Suit, Anthony and Alexander, were appointed said committee.

By unanimous consent,

Mr. Robinson introduced

Senate bill No. 178. A bill to provide for the election of State Printer by the people.

Which was read a first time.

Mr. Anthony moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown,

Burke, Chapman, Combs, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Wilson, Witherow and Woods—43.

Messrs. Crane, Harris and Parker voting in the negative.

So the rules were suspended and the bill read a second time, by its title.

The bill was considered as engrossed.

Mr. Anthony moved to further suspend the rules and read the bill a third time now.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brown, Cutshaw, Drew, Glazebrook, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Wilson, Witherow and Woods—33.

*Those who voted in the negative were,*

Messrs. Brookshire, Burke, Chapman, Combs, Crane, Cravens, Ensey, Freeland, Harris, Helm, Hendry, Meeker, Parker, and Sage—13.

So the rules were suspended and the bill read a third time,  
The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Chapman, Crouse, Cutshaw, Drew, Glazebrook, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, and Woods—37.

*Those who voted in the negative were,*

Messrs. Burke, Combs, Crane, Cravens, Ensey, Freeland, Harris, Helm, Hendry, Meeker, and Witherow—11.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Leave being granted,

Mr. Reynolds, chairman of the committee on Claims, made the following report:

MR. PRESIDENT:

The committee on Claims to whom was referred Senate bill No. 168. A bill to appoint Jacob W. Cummins special agent of the State of Indiana, to settle her per centage accounts with the United States, and for his compensation therefor, have a majority of them recommended me to report it back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

#### ORDERS OF THE DAY.

The pending question, being on the passage of Senate bill No. 93. A bill to establish a bank with branches.

Mr. Rugg moved to re-commit with the following instructions:

Amend by striking from the bill so much thereof as provides for selling to the banks, the stock of the State in the present State Bank of Indiana; and all of the bill intended to carry out that provision, to-wit:—Strike out all of sections 84, 85, 86, 87 and 88, and all of section 100.

Mr. Vandevanter moved to amend the instructions by adding thereto the following, to-wit.

Strike out in the 6th line of section 91, these words, to-wit:—*“their deposits and,”*—also, strike out these words in the 11th line of said section, to-wit:—*“and the amount of deposits.”*

The ayes and noes were demanded by Senators Shook and Vandevanter.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barss, Brookshire, Chapman, Cutshaw, Glazebrook, Hendry, Hosbrook, Hostetler, Jackson of Madison, Kightley, McCleary, Mansfield, Mathes, Richardson of Spencer, Rugg, Sage, Shields, Shook, Slater, Spann, Vandevanter and Wilson—23.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Burke, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Griggs, Harris, Hawthorn, Helm, Jackson of Tipton, Meeker, Parker, Reynolds, Richardson of St. Joseph, Robinson, Suit, Tarkington, Weston, Williams, Witherow and Woods—26.

So the amendment was not agreed to.

Mr. Shook moved to amend the instructions as follows:

Amend the bill by striking out the 13th section, and inserting in lieu thereof the 13th section of the charter of present bank, to-wit: "Said bank shall be entitled to charge and receive for money loaned, six per cent. per annum, and not higher, but the same may according to bank rules be discounted and taken in advance out of the sums loaned."

The ayes and noes were demanded by Senators Hendry and Shook.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Chapman, Cushman, Glazebrook, Hendry, Hosbrook, Hostetler, Jackson of Madison, Kighley, McCleary, Mansfield, Mathes, Richardson of Spencer, Robinson, Rugg, Shields, Shook, Slater, Spann, Vandevanter and Woods—24.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Burke, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Griggs, Harris, Hawthorn, Helm, Jackson of Tipton, Meeker, Parker, Reynolds, Richardson of St. Joseph, Sage, Suit, Tarkington, Weston, Wilson and Witherow—25.

So the amendment was not agreed to.

Mr. Burke moved to lay the instructions on the table.

The ayes and noes were demanded by Senators Shook and Slater.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Burke, Combs, Crane, Cravens, Crouse, Drew, Ensey, Griggs, Harris, Helm, Jackson of Tipton, Meeker, Parker, Reynolds, Richardson of St. Joseph, Suit, Tarkington, Weston, Williams and Witherow—22.

*Those who voted in the negative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Chapman, Cushman, Freeland, Glazebrook, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Kighley, McCleary, Mansfield, Mathes, Richardson of Spencer, Robinson, Rugg, Sage, Shield, Shook, Slater, Spann, Vandevanter, Wilson, and Woods—27.

So the instructions were not laid on the table.

On motion by Mr. Shook,

The following amendment was adopted by unanimous consent:

Amend the 9th section by adding the following—"and the stock-



holders of each and every branch shall be held and bound to an amount over and above their stock, equal to their respective shares of stock for all the debts and liabilities of said bank or any of her branches. [See sec. 1, art. 11, of the constitution.]

Mr. Vandevanter moved to amend the instructions as follows:

Strike out all after the word "Assembly" in the second line of section 96 to the word "to" in the 5th line.

Pending which,

On motion by Mr. Alexander,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

The question being on the amendment of Mr. Vandevanter to the instructions offered by Mr. Rugg.

The ayes and noes were demanded by Senators Hendry and Slater.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Chapman, Cushman, Glazebrook, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Slater and Vandevanter—24.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Burke, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Griggs, Harris, Helm, Meeker, Parker, Reynolds, Richardson of St. Joseph, Shields, Spann, Suit, Tarkington, Weston, Williams, Wilson, Witherow and Woods—26.

So the amendment to the instructions was not adopted.

Mr. Shook moved to amend the instructions as follows:

Amend the bill by adding the following section, which corresponds with 97th section of the charter of the present bank.

Sec. —. It shall not be lawful for said bank or any branch, to discount or receive any note or other evidence of debt, in payment of any instalment due, or to become due on any shares of its stock, or with the intent of providing the means of making such payment or to redeem or discount any note or evidence of debt with the



intent of enabling any stockholders to withdraw any part of the money paid in by him on his stock; nor shall said bank or any branch, make any loan of its specie, or discount or receive any note or other evidence of debt, for the purpose of furnishing means for any new branch to organize, or to enable any subscriber for, or holder of, shares of the stock of any branch, to make payment of any instalment due thereon.

Mr. Reynolds moved to lay the motion to recommit with instructions on the table.

Mr. Bearss moved that the Senate adjourn.

The ayes and noes were demanded by five Senators.

*Those who voted in the affirmative were,*

Messrs. Barnett, Bearss, Cutshaw, Glazebrook, Hendry, Hosbrook, Kightley, McCleary, Rugg, Shook, Slater, and Vandevanter—12.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Griggs, Harris, Hawthorn, Helm, Hostetler, Jackson of Madison, Jackson of Tipton, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Sage, Shields, Spann, Suit, Tarkington, Weston, Williams, Wilson, Witherow and Woods—38.

So the Senate did not adjourn.

Mr. Kightly moved to lay the bill and pending instructions on the table.

The ayes and noes were demanded by Senators Glazebrook and Slater.

*Those who voted in the affirmative were,*

Messrs. Barnett, Bearss, Chapman, Cutshaw, Glazebrook, Hawthorn, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Richardson of Spencer, Rugg, Shook, Slater, Spann and Vandevanter—20.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Griggs, Harris, Helm, Hostetler, Meeker, Parker, Reynolds, Richardson of St. Joseph, Robinson, Sage, Shields, Suit, Tarkington, Weston, Williams, Wilson, Witherow and Woods—30.

So the bill and instructions were not laid on the table.  
 Mr. Glazebrook moved that the Senate adjourn.  
 The ayes and noes were demanded by five Senators.

*Those who voted in the affirmative were,*

Messrs. Barnett, Bearss, Cutshaw, Glazebrook, Hosbrook, Jackson of Madison, Jackson of Tipton, McCleary, Mathes, Richardson of Spencer, Rugg, Shook, Slater and Vandevanter—14.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Drew, Ensey, Freeland, Griggs, Harris, Helm, Hostetler, Mansfield, Meeker, Parker, Reynolds, Richardson of St. Joseph, Robinson, Sage, Shields, Suit, Tarkington, Weston, Williams, Wilson, Witherow and Woods—31.

So the Senate did not adjourn.

On motion by Mr. Witherow,

The bill and pending instructions were laid on the table, and made the special order for to-morrow morning, at 9 o'clock A. M.

*Senate Bills on Third Reading.*

No. 168. A bill to appoint Jacob W. Cummins Special Agent of the State of Indiana, to settle per centage accounts with the United States, and for his compensation therefor,

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Chapman, Crane, Cravens, Crouse, Ensey, Griggs, Hosbrook, Parker, Robinson, Rugg, Sage, Suit, Williams, Witherow and Woods—15.

*Those who voted in the negative were,*

Messrs. Alexander, Barnett, Brookshire, Brown, Burke, Combs, Cutshaw, Drew, Freeland, Glazebrook, Hawthorn, Helm, Hendry, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Shields, Shook, Slater, Spann, Tarkington, Vandevanter, Weston and Wilson—32.

So the bill was lost.

No. 144. A bill to authorize the Governor to contract for the

completion of the cells and cell-house at the State Prison, and appropriating a sum of money for the same,

Was read a third time.

Mr. Cravens moved to fill the blank in the bill, by the words "not exceeding \$7,000."

Which was not agreed to.

Mr. Shook moved to fill the blank by "not exceeding \$5,000."

Which was agreed to.

Mr. Tarkington moved to reconsider the vote filling the blank with "not exceeding \$5,000."

Which was agreed to.

Mr. Slater moved to fill the blank with "not exceeding \$10,000."

Which was not agreed to.

Mr. Tarkington moved to fill the blank with a sum "not exceeding \$8,000."

Which was agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Burke, Combs, Crane, Cravens, Cutshaw, Drew, Ensey, Freeland, Griggs, Harris, Hawthorn, Hostetler, Jackson of Madison, Jackson of Tipton, McCleary, Mansfield, Meeker, Parker, Reynolds, Robinson, Rugg, Sage, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—31.

*Those who voted in the negative were,*

Messrs. Barnett, Bearss, Brookshire, Brown, Chapman, Glazebrook, Helm, Herdry, Hosbrook, Kightley, Mathes, Richardson of St. Joseph, Richardson of Spencer, Shook, Slater, and Spann—16.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

On motion by Mr. Spann,

House bill No. 87. A bill regulating the fees of officers  
Was taken from the table.

The question being on concurring in the report of the committee.

On motion by Mr. Tarkington,

The vote by which the report of the select committee was adopted.  
Was reconsidered.

On motion by Mr. Tarkington,

The vote by which the amendments was ordered to be engrossed,  
Was reconsidered.

The vote by which the Senate concurred in the report of the committee,

Was reconsidered.

On motion by Mr. Suit,

The vote concurring in the report of the committee of the whole.  
Was reconsidered.

And,

On motion,

The bill was referred to the same select committee.

A message from the House, by Mr. Levering their clerk.

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has concurred in engrossed amendments of the Senate to engrossed bill of the House:

No. 94. Entitled a bill to amend the 41st section of an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant, approved May 29th, 1852, with the accompanying engrossed amendment of the House thereto, to which the concurrence of the Senate is respectfully requested.

The engrossed amendment of the House to the bill contained in the foregoing message was concurred in.

*Ordered*, That the Secretary inform the House thereof.

Mr. Hostetler, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills, have compared the enrolled with the engrossed copy of Senate bill No. 13, a bill to amend Sec. 3 of an act entitled "an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11th, 1852.

Also,

No. 17. A bill to authorize the successors of executors and administrators, to make sales and conveyances of realty under orders of sale procured by their predecessors.

Also,

No. 5. A joint resolution in relation to the election of United States Senator.

And find the same correctly enrolled.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the Speaker has signed the following enrolled bills of the Senate, Nos. 13 and 17, and also joint resolution No. 5, and bring the same to the Senate for the signature of the President thereof:

Whereupon the President signed the same.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the Speaker has signed the following enrolled bill of the House, No. 39, and bring the same to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

Mr. Hostetler, from a select committee on enrolled bills, made the following report:

MR. PRESIDENT :

The joint committee on enrolled bills have this day presented to the Governor for his signature, the following bills, to-wit:

Senate bill No. 13. A bill to amend section 3 of an act entitled an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852.

Also,

No. 17. A bill to authorize the successors of executors and administrators to make sales and conveyances of realty under orders of sale procured by their predecessors.

Also,

No. 5. A joint resolution in relation to the election of United States Senator.

A message from the Governor, by Mr. King, executive messenger:

I am directed by the Governor to inform the Senate, that he has signed and approved the following bills:

No. 5. A joint resolution in relation to election of United States Senators.

No. 13. An act to amend section 3 of act entitled, "an act for the incorporation of towns, defining their powers, providing for the



election of officers thereof, and declaring their duties," approved June 11th, 1852.

No. 17. An act to authorize the successors of executors and administrators, to make sales and conveyances of realty under orders of sale procured by their predecessors.

Which bills originated in the Senate.

On motion by Mr. Hosbrook,  
The Senate adjourned.

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SATURDAY MORNING, 9 o'clock, /  
February 24, 1855. }

The Senate met.

On motion by Mr. Reynolds,  
The reading of the Journal was dispensed with.

On motion by Mr. Brown,  
A call of the Senate was ordered.

The Secretary proceeded with the call, when the following Senators answered to their names:

Messrs. Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Glazebrook, Griggs, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Tarkington, Weston, Wilson, Witherow and Woods—42.

On motion by Mr. Reynolds,  
The absentees were sent for.

The absentees all appearing except Mr. Jackson of Madison,

On motion by Mr. Freeland,  
The further call of the Senate was suspended.  
The special order being,

Senate bill No. 93. A bill to establish a bank with branches.



The question being on laying the motion to re-commit with instructions on the table,

Mr. Suit called for a division of the question.

On motion by Mr. Vandevanter,

A call of the Senate was ordered.

The Secretary proceeded with the call when the following Senators answered to their names:

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Kightly, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—49.

On motion by Mr. Burke,

A further call of the Senate was suspended.

Mr. Slater moved that the Senate adjourn.

The ayes and noes were demanded by five Senators.

*Those who voted in the affirmative were,*

Messrs. Bearss, Brookshire, Cutshaw, Glazebrook, Hawthorn, Hendry, Kightly, McCleary, Mansfield, Mathes, Richardson of Spencer, Rugg, Shook, Slater and Vandevanter—15.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Barnett, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Griggs, Harris, Helm, Hosbrook, Hostetler, Jackson of Tipton, Meeker, Parker, Reynolds, Richardson of St. Joseph, Robinson, Shields, Spann, Suit, Tarkington, Weston, Williams, Wilson, Witherow and Woods—33.

So the Senate did not adjourn.

Mr. Vandevanter moved a call of the Senate.

Mr. Brown moved to excuse Mr. Jackson of Madison.

Which was agreed to.

The question recurring on the call of the Senate.

The ayes and noes were demanded by Senators Vandevanter and Slater.

*Those who voted in the affirmative were,*

Messrs. Barnett, Bearss, Brookshire, Cutshaw, Glazebrook, Hawthorn, Hendry, McCleary, Mansfield, Mathes, Richardson of Spencer, Rugg, Shook, Slater and Vandevanter—15.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Griggs, Harris, Helm, Hosbrook, Hostetler, Jackson of Tipton, Kightley, Meeker, Parker, Reynolds, Richardson of St. Joseph, Robinson, Sage, Shields, Spann, Sait, Tarkington, Weston, Williams, Wilson, Witherow and Woods—34.

So the call was not ordered.

Mr. Slater moved to adjourn.

The ayes and noes were demanded by five Senators.

*Those who voted in the affirmative were,*

Messrs. Barnett, Bearss, Brookshire, Cutshaw, Glazebrook, Hawthorn, Hendry, Kightley, McCleary, Mansfield, Mathes, Richardson of Spencer, Rugg, Shook, Slater, and Vandevanter—16.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Griggs, Harris, Helm, Hosbrook, Hostetler, Jackson of Tipton, Meeker, Parker, Reynolds, Richardson of St. Joseph, Robinson, Sage, Shields, Spann, Sait, Tarkington, Weston, Williams, Witherow and Woods—33.

So the Senate did not adjourn

The question being on the motion to recommit,

The ayes and noes were demanded by Messrs. Slater and Shook.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Burke, Combs, Crane, Cravens, Crouse, Drew, Ensey, Grigg, Harris, Helm, Jackson of Tipton, Kightley, Meeker, Parker, Reynolds, Richardson of St. Joseph, Shields, Spann, Sait, Tarkington, Weston, Wilson, Witherow and Woods—27.

*Those who voted in the negative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Chapman, Cutshaw, Freeland, Glazebrook, Hawthorn, Hendry, Hosbrook, Hostetler, McCleary, Mansfield, Mathes, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Slater, Vandevanter—22.

So the Senate refused to recommit the bill.

Mr. Reynolds moved the previous question,

Which was seconded by the Senate.

Mr. Slater moved to adjourn.

The ayes and noes were demanded by five Senators.

*Those who voted in the affirmative were,*

Messrs. Barnett, Bearss, Brookshire, Cutshaw, Glazebrook, Hawthorn, Hendry, Kightley, McCleary, Mansfield, Mathes, Richardson of Spencer, Rugg, Shook, and Vandevanter—15.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Griggs, Harris, Helm, Hosbrook, Hostetler, Jackson of Tipton, Meeker, Parker, Reynolds, Richardson of St. Joseph, Robinson, Sage, Shields, Slater, Spann, Suit, Tarkington, Weston, Williams, Witherow and Woods—31.

So the Senate did not adjourn.

Mr. Slater moved to reconsider the vote just taken.

The ayes and noes were demanded by Senators Slater and Shook.

*Those who voted in the affirmative were,*

Messrs. Barnett, Bearss, Brookshire, Cutshaw, Glazebrook, Hawthorn, Kightley, McCleary, Mansfield, Mathes, Richardson of Spencer, Rugg, Shook, Slater, and Vandevanter—15.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Griggs, Harris, Helm, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Meeker, Parker, Reynolds, Richardson of St. Joseph, Robinson, Sage, Shields, Spann, Suit, Tarkington, Weston, Williams, Wilson, Witherow and Woods—34.

So the Senate refused to reconsider the vote.

Mr. Slater moved a call of the Senate.

The ayes and noes were demanded by Senators Slater and Bearss.

*Those who voted in the affirmative were,*

Messrs. Barnett, Bearss, Brookshire, Cutshaw, Glazebrook, Hawthorn, Hendry, Kightley, Mansfield, Mathes, Richardson of Spencer, Rugg, Shook, Slater and Vandevanter—15.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Griggs, Harris, Helm, Hosbrook, Hostetler, Jackson of Tipton, Meeker, Parker,

Reynolds, Richardson of St. Joseph, Sage, Shields, Spann, Suit, Tarkington, Weston, Williams, Wilson, Witherow and Woods—32.

So a call of the Senate was not ordered.

Mr. Shook moved to adjourn.

The ayes and noes were demanded by five Senators.

*Those who voted in the affirmative were,*

Messrs. Barnett, Bearss, Brookshire, Cutshaw, Glazebrook, Hawthorn, Hendry, Kightley, McCleary, Mansfield, Mathes, Richardson of Spencer, Rugg, Shook, Slater, and Vandevanter—16.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Griggs, Harris, Helm, Hosbrook, Hostetler, Meeker, Parker, Reynolds, Richardson of St. Joseph, Robinson, Sage, Shields, Spann, Suit, Tarkington, Weston, Williams, Wilson, Witherow and Woods—32.

So the Senate did not adjourn.

The question being, shall the main question be now put?

The ayes and noes being demanded by Senators Slater and Shook.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Burke, Combs, Crane, Cravens, Crouse, Drew, Ensey, Griggs, Harris, Helm, Hosbrook, Jackson of Tipton, Meeker, Parker, Reynolds, Richardson of St. Joseph, Shields, Spann, Suit, Tarkington, Weston, Williams, Wilson, Witherow and Woods—27.

*Those who voted in the negative were,*

Messrs. Anthony, Barnett, Bearss, Chapman, Cutshaw, Freeland, Glazebrook, Hawthorn, Hostetler, Kightley, Mansfield, Mathes, Richardson of Spencer, Rugg, Sage, Shook, Slater and Vandevanter—18.

So it was agreed to.

Mr. Glazebrook moved that the Senate adjourn.

The ayes and noes were demanded by five Senators.

*Those who voted in the affirmative were,*

Messrs. Barnett, Bearss, Brookshire, Cutshaw, Glazebrook, Haw-

thorn, Hendry, Kightley, McCleary, Mansfield, Mathes, Richardson of Spencer, Rugg, and Vandevanier—14.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Griggs, Harris, Helm, Hosbrook, Hostetler, Jackson of Tipton, Meeker, Parker, Reynolds, Richardson of St. Joseph, Robinson, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Weston, Williams, Witherow and Woods.—35.

So the Senate did not adjourn.

Mr. Slater moved to reconsider the vote to adjourn,  
The ayes and noes being demanded by Senators Slater and Bearss.

*Those who voted in the affirmative were,*

Messrs. Barnett, Bearss, Brookshire, Cutshaw, Glazebrook, Hawthorn, Hendry, Kightley, McCleary, Mansfield, Mathes, Richardson of Spencer, Rugg, Shook, Slater, and Vandevanier—16.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Griggs, Harris, Helm, Hosbrook, Hostetler, Jackson of Tipton, Meeker, Parker, Reynolds, Richardson of St. Joseph, Sage, Shields, Spann, Suit, Tarkington, Weston, Williams, Wilson, Witherow and Woods—32.

So the Senate refused to reconsider the vote on the adjournment.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Burke, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Griggs, Harris, Helm, Jackson of Tipton, Meeker, Parker, Reynolds, Richardson of St. Joseph, Shields, Spann, Suit, Tarkington, Weston, Williams, Wilson, Witherow and Woods—27.

*Those who voted in the negative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Chapman, Cutshaw, Glazebrook, Hawthorn, Hendry, Hosbrook, Hostetler, Kightley, McCleary, Mansfield, Mathes, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Slater, and Vandevanier—22.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Mr. Alexander moved that the Senate adjourn.

The ayes and noes were demanded by five Senators.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Griggs, Harris, Helm, Meeker, Parker, Reynolds, Sage, Slater, Suit, Weston, Witherow and Woods—23.

*Those who voted in the negative were,*

Messrs. Barnett, Bearss, Brookshire, Cutshaw, Glazebrook, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Robinson, Rugg, Shook, Tarkington, and Wilson—19.

So the Senate adjourned.

2 O'CLOCK, P. M.

The Senate met.

On motion by Mr. Burke,  
Messages of the House were taken up.

A message from the House, by Mr. Levering, their clerk.

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House have passed the following engrossed bills thereof :

No. 93. A bill to amend "an act to authorize and regulate the business of general banking."

Also,

-House bill No. 149. A bill providing for the sale of saline lands remaining unsold in this State.

In which the concurrence of the Senate is respectfully requested.

Mr. Shook moved to suspend the rule, and read bill 93 contained in the foregoing message a first time by its title.



The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brown, Burke, Chapman, Crane, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Reynolds, Richardson of St. Joseph, Rugg, Shields, Shook, Suit, Tarkington, Weston, Wilson, Witherow and Woods—37.

Messrs. Richardson of Spencer and Slater voting in the negative—2.

So the rule was suspended, and the bill read a first time by its title.

Mr. Harris moved to further suspend the rule, and read the bill a second time now.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Burke, Chapman, Crane, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Robinson, Rugg, Sage, Shields, Shook, Weston, Wilson, Witherow and Woods—37.

*Those who voted in the negative were,*

Messrs. Bearss, Richardson of Spencer, and Slater—3.

So the rules were suspended, and the bill read a second time by its title; and,

On motion by Mr. Harris,

Referred to the committee on Banks.

Mr. Freeland asked leave to make a motion to reconsider the vote on the passage of

Senate bill No. 93. A bill to establish a bank with branches.

Which was not agreed to.

No. 149 contained in the foregoing message, was read a first time.

Mr. Mansfield moved to suspend the rule, and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Free-

land, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Suit, Weston, Wilson, Witherow and Woods—42.

No Senator voting in the negative.

So the rules were suspended, and the bill read a second time by its title; and,

On motion by Mr. Mansfield,  
Referred to the committee on Education.

A message from the House, by Mr. Levering, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill thereof:

No. 157. A bill providing for an investigation of the affairs of the Madison and Indianapolis Railroad Company, authorizing a compromise therewith if deemed of advantage to the State, and providing for the payment of said companies floating and unfunded debt, and of certain debts of the Columbus and Shelby Railroad Company, and empowering said Madison and Indianapolis Railroad Company to receive, hold, and transfer stock in the Columbus and Shelby Railroad Company.

In which the concurrence of the Senate is respectfully requested.

No. 157 contained in the foregoing message, was read a first time.

Mr. Cravens moved to suspend the rule, and read the bill a second time now.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hosbrook, Hostetler, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Robinson, Rugg, Sage, Shields, Shook, Weston, Wilson and Witherow—39.

Mr. Richardson of Spencer voting in the negative.

So the rules were suspended and the bill read a second time by its title, and

On motion by Mr. Cravens,  
Referred to the committee on Finance.

*Senate Bills on Third Reading.*

No. 86. A bill to authorize the business of banking, and to repeal all former acts on that subject.

On motion by Mr. Meeker,  
The bill was laid on the table.

No. 97. A bill authorizing county recorders and county surveyors to issue fee bills.

Was read a third time; and,  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Harris, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Tipton, Kighley, Parker, Reynolds, Robinson, Rugg, Sage, Shook, Slater, Suit, Weston, Wilson, Witherow and Woods—30.

*Those who voted in the negative were,*

Messrs. Cutshaw, Glazebrook, Hostetler, Mansfield, Mathes, Meeker, Shields, and Spann—3.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No 102. A bill to provide for the public peace and private security, and to prevent conspiracies and combinations interfering with the free enjoyment of religious rights of citizens, and prescribing the punishment therefor.

On motion by Mr. Slater,

The bill was laid on the table and made the special order for Monday next, at 2 o'clock, P. M.

No. 118. A bill to provide for the appraisement of real property and prescribing the duties of officers in relation thereto.

Was read a third time.

On motion by Mr. Tarkington,

The vote ordering the bill to be engrossed,  
Was reconsidered.

Mr. Tarkington moved to amend as follows:

In Sec. 1st, strike out all after enacting clause down to the word "provided" and insert, "that there shall be elected at the October election, 1855, one principal real estate appraiser, and the said appraisers, shall hold their offices until the 13th day of June 1856, if he shall so long behave well."

Amend Sec. 3d, 2nd line, strike out "appraisement" and insert "election."

Amend Sec. 5, 1st line, after appraisers strike out "appointed" and insert "elected."

2nd line, strike out "first Monday of June next, and before the first day of December next," and insert "fifteenth of October 1855, and the first day of June, 1856."

Amend Sec. 12, 1st line, by striking out "December next," and insert "June, 1856."

Which were adopted.

Mr. Shook moved to add to Sec. 5 as follows :

And it is hereby made the duty of said appraisers to assess all the railroad tracks, lands, depots, and other property belonging to any railroad company which may be in their respective counties.

Which was adopted.

On motion by Mr. Shields,

The bill was recommitted to the committee on finance, with the following instructions :

Amend the bill so as to provide for abolishing the district and state board of equalization.

No. 129. A bill to amend section 2 of an act prescribing and defining the powers and duties of constables.

Was read a third time,

The question being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Cutshaw, Drew, Ensey, Glazebrook, Harris, Hawthorn, Hendry, Hosbrook, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of Spencer, Robinson, Sage, Shook, Suit, Wilson, Witherow and Woods—33.

*Those who voted in the negative were,*

Messrs. Alexander, Freeland, Hostetler, Richardson of St. Joseph, and Slater—5.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

On motion by Mr. Jackson of Tipton,

Senators Shields and Anthony were added to the committee on Banks.

No. 139. A bill to provide for the election of officers for the

States Prison, and for the appraisement of the property of said Prison.

Was read a third time.

Mr. Spann moved to recommit the bill with the following instructions:

In section 5, strike out "500" and insert "300."

Mr. Glazebrook moved to amend the structions by striking out "300" and inserting "150."

Mr. Parker moved to lay the motion to recommit with instructions on the table.

The ayes and noes were demanded by Messrs. Spann and Hawthorn.

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Burke, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Harris, Hawthorn, Helm, Hendry, Jackson of Tipton, Meeker, Parker, Reynolds, Richardson of St. Joseph, Sage, Suit, Tarkington, Weston, Wilson, Witherow and Woods—25.

*Those who voted in the negative were,*

Messrs. Barnett, Brookshire, Chapman, Glazebrook, Hosbrook, Hostetler, McCleary, Mansfield, Mathes, Richardson of Spencer, Robinson, Rugg, Shields, Shook, Slater, and Spann—16.

So the motion to recommit with instructions was laid on the table.

Mr. Shook moved to recommit with the following instructions, to the committee on State's Prison:

Strike out all that relates to the purchasing of the lessee, the machinery, stock or other articles in the State's Prison, and provide that the agent appointed by the Governor, shall have the privilege of buying where he can buy cheapest.

Pending which,

On motion by Mr. Spann,

The Senate adjourned.

MONDAY, 9 O'CLOCK, A. M. {  
February 26th, 1855. }

The Senate met.

The Secretary proceeded to read the Journal.

When,

On motion by Mr. Jackson of Tipton,  
The further reading of the Journal was dispensed with.

#### REPORTS FROM COMMITTEES.

Mr. Rugg, from the committee on Banks made the following report :

MR. PRESIDENT :

The committee on Banks, to whom was referred House Bill No. 93, a bill to amend an act to authorize and regulate the business of general banking, have had the same under consideration, and have directed me to report the same back without amendment, and recommend its passage.

Mr. Hostetler moved to amend the bill as follows :

Strike out from the enacting clause, and insert the following :

That an act entitled an act to authorize and regulate the business of general banking, approved May 28th, 1852, be and the same is hereby repealed.

Sec. 2. No bank shall issue any bills or notes after the passage and publication of this act.

Sec. 3. It is hereby required that the Auditor of State proceed immediately to give to each bank, thirty days' notice, and after the expiration of said thirty days, he shall proceed to dispose of the bonds of such corporation, and close the affairs of the same, within ninety days thereafter: *Provided*, that nothing in this act shall be so construed as to require the Auditor to wind up the specie paying banks, in a shorter time than eighteen months from and after the passage of this act.

Sec. 4. Whereas an emergency exists for the immediate taking effect of this act, therefore, it is declared to be in full force from and after its passage and publication in the Indiana State Sentinel and Indiana Journal.

Mr. Anthony moved to lay the amendment on the table.

The ayes and noes were demanded by Senators Slater and Anthony.



*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brown, Burke, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Griggs, Harris, Hawthorn, Helm, Hendry, Jackson of Tipton, Kightly, Meeker, Parker, Reynolds, Richardson of St. Joseph, Robinson, Sage, Suit, Tarkington, Wilson, Witherow and Woods—29.

*Those who voted in the negative were,*

Messrs. Barnett, Bearss, Brookshire, Chapman, Cutshaw, Glazebrook, Hostetler, McCleary, Mansfield, Mathes, Rugg, Shields, Shook, Slater and Spann—15.

So the amendment was laid on the table.

Mr. Freeland moved to amend as follows :

So that they shall have a clearance house in Indianapolis, where their bills shall be redeemed at not more than one per cent in coin, and that they "shall receive the bills of each other at par, for the payment of any debts due them."

Also,

"They shall deposit bonds made equal to six per cent. semi-annual paying stocks, and an additional ten per cent."

Mr. Anthony moved to lay the amendments on the table.

The ayes and noes were demanded by Senators Slater and Freeland.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brown, Burke, Combs, Crane, Crouse, Drew, Griggs, Harris, Hawthorn, Helm, Meeker, Richardson of St. Joseph, Sage, Suit, Tarkington, Weston, Wilson, Witherow and Woods—23.

*Those who voted in the negative were,*

Messrs. Bearss, Brookshire, Cutshaw, Freeland, Glazebrook, Hendry, Hostetler, Jackson of Tipton, Mansfield, Mathes, Richardson of Spencer, Robinson, Shields, Shook and Spann—16.

So the amendments were laid on the table.

Mr. Shields moved to amend section 17 by striking out "50,000" and inserting "100,000."

Which was not agreed to.

Mr. Hostetler moved to amend by striking out "one" in the 2nd line of section 3, and insert "five."

Which was not agreed to.

Mr. Hostetler offered the following amendment—

In section 3, strike all after the word "provided."

On motion by Mr. Anthony,

The amendment was laid on the table.

Mr. Spann moved to amend by striking out in section 17, "50,000," and inserting "75,000."

Which was not agreed to.

Mr. Hostetler moved to amend so as to provide, that no banking association shall pay out at its office, or by any agent employed by any such banking association within this State, the notes of any bank not within this State.

Mr. Anthony moved to lay the amendment on the table.

The ayes and noes were demanded by Senators Hostetler and Slater.

*Those who voted in affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Griggs, Harris, Hawthorn, Helm, Hendry, Kightley, Meeker, Parker, Reynolds, Richardson of St. Joseph, Robinson, Rugg, Sage, Shook, Suit, Tarkington, Weston, Wilson, Witherow and Woods—32.

*Those who voted in the negative were,*

Messrs. Bearss, Brookshire, Cutshaw, Glazebrook, Hostetler, Jackson of Tipton, McCleary, Mansfield, Mathes, Richardson of Spencer, Shields, Slater and Spann—13.

So the amendment was laid on the table.

Mr. Hawthorn moved to amend as follows:

In section 49, amend so that all banks now in existence, which shall not refuse to pay specie after the passage of this act, until the 1st of March, 1847, to wind up and take up their circulation and accept the provisions of this act; but in case any such banks should at any time fail to pay its notes upon demand, it shall be put into liquidation pursuant to the provisions of this act, but the Auditor shall in no case issue to any bank any additional circulating notes, until it shall have accepted the provision of this act.

Which was not agreed to.

Mr. Jackson of Tipton, moved to amend, so that all banks or banking associations organized under the former general banking law of this State, which has a regular banking house, and has kept banking hours, may have until the 1st day of July, 1855, to comply with the provisions of this act, and to resume the payment of specie.

Which was not adopted.

On motion by Mr. Jackson of Tipton,  
The bill was re-committed to the committee on Banks.

Mr. Tarkington, from a select committee, made the following report:

MR. PRESIDENT :

The select committee to whom was referred House bill No. 87, regulating fees of officers, have had the same under consideration, and have directed me to report the following amendments to the amendments:

1st. Amend section 4, thirty-second line, by striking out 10 and insert 20.

2nd. Amend section 7, sixth line, by striking out \$75 and insert \$1,00.

3rd. Amend section 8, sixth line so as to read, filing each paper except county orders, and papers (or lists) returned by assessors 5.

4th. Wherever  $12\frac{1}{2}$  occurred in the bill and was stricken out and 10 inserted, strike out 10 and insert  $12\frac{1}{2}$ .

5th. Also, the following amendments to the original bill—

Sec. 11, tenth line, strike out 25 and insert 50.

Sec. 15, nineteenth line, strike out 25 and insert 50.

Sec. 15, twenty-sixth line, strike out 25 and insert 50.

Sec. 15, thirty-second line, strike out 10 and insert 25.

Amend section 1, twenty-third line, strike out 10 and insert  $12\frac{1}{2}$ .

Same section, fifty-second line, strike out 10 and insert  $12\frac{1}{2}$ .

Amend section 7 after 24th line as follows—the recorder is authorized to issue fee bills for his own fees, according to the laws regulating the issuing of fee bills.

And after so amended recommend its passage.

The report was concurred in, the amendments adopted, and the bill ordered to a third reading.

Mr. Tarkington, chairman of the committee on Education, made the following report:

MR. PRESIDENT :

The committee on Education to whom was referred House bill No. 149, "providing for saline lands remaining unsold," have had the same under consideration, and have directed me to report the same back without amendment and recommend its passage.

The report was concurred in, and the bill ordered to a third reading.

Mr. Hawthorn, from a select committee, made the following report:

MR. PRESIDENT :

The select committee, to whom was referred Senate bill No. 176, entitled an act to amend sections 3 and 6, of an act providing for the election and prescribing certain duties of county surveyors, approved June 17, 1852, have had the same under consideration, and have directed me to report the same back and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Barnett, from a select committee, made the following report:

MR. PRESIDENT :

The select committee to whom was referred the memorial of Wm. O. Clark, and two hundred and fifty other citizens of Pulaski and Jasper counties, asking the formation of a new county out of the parts of said counties, as also the remonstrance of Wm. S. Huddleston and some five hundred citizens of said counties against the same, beg leave to report, that they have had the matter under consideration, and are of the opinion that a large majority of the citizens of said counties are averse to the formation of said proposed new county, and your committee would therefore report back to the Senate said petition and remonstrances, and ask that they be laid on the table, and that they be discharged from the further consideration of the subject.

The report was concurred in, and the petition and remonstrance laid on the table.

#### RESOLUTIONS.

Mr. Freeland offered the following resolution :

WHEREAS, a bill to establish a bank with branches, passed the Senate on Saturday morning under the call of the previous question, thereby cutting off all amendments and debate. And whereas, said bill is full of error, and if it should pass the House in its present form, would divert a large portion of the funds of the State from their proper channel and on doubtful security. And whereas, there is not sufficient time given to prevent all those who might desire to subscribe stock to said bank to do so. And whereas, it is desired that a reconsideration of the vote on the passage of said bill should take place, therefore,

*Resolved*, That the said bill be recalled from the House.

On motion by Mr. Shook,

The resolution was laid on the table.

Mr. Shook presented the following protest which was entered upon the journal:

The undersigned members of the Senate, respectfully submit the following protest to the passage of the Senate Bill No. 93, entitled "An act to establish a bank with branches," and ask that it be entered upon the journal of the Senate.

They will, in the first instance, refer to the sections of said bill that they regard as most objectionable, and in connection therewith, to the wholesome amendments offered and voted down.

The members of the Senate who voted for the passage of this bill, argued that it was a copy of the charter of the present State Bank, with only such variations as were necessary to make it conform to the new constitution. A consideration of the subject herein presented will show the correctness or falsity of that position.

The 13th section of the charter of the present bank provides that she may charge and receive for money loaned at the rate of six per cent. per annum, and not higher. The corresponding section of the bill provides that interest may be charged by the new bank according to the rates that may, from time to time be established by law, in case of individuals. Therefore, should the Legislature at any time authorize interest to be taken on the loan of money, at ten per cent. or even a higher rate, it would authorize the bank to charge accordingly; and should the interest laws at any time be repealed, the bank could then charge without any restriction, and have the people at her mercy.

When it is remembered that the bank, under this bill, has not only the right to discount two and a half dollars for one on her capital stock, but also two and a half for one on her deposits, the impropriety of such a latitude is too apparent to need any argument, especially when it is considered that this bill also provides that the bank may charge the rates of exchange on the top of this. For instance it is a conceded fact that a bank, under the provisions of the present charter, with the rate of six per cent. can, in the hands of honest men, and well managed, pay all her expenses, and declare a dividend of twenty per cent., under the rate of ten per cent. Should such be the rate at a subsequent period, a bank would declare a dividend of 35 or 40 per cent. A fair calculation will demonstrate this, and this, too, without considering the discounts on deposits at all. The impropriety of allowing deposits to be considered as a basis of discount is seen at once, when it is considered that a deposit may be made in bank to-day of an hundred thousand dollars, discounts made upon it of two and a half for one, and the deposit drawn out to-morrow; and it may be further seen in the fact that money that will not circulate at home, by reason of its worthless character, may be sent here by foreign and irresponsible institutions, considered by the bank as deposits, and made the basis of discount. The charter of the present bank grants no such privilege. It is a dangerous privilege, for the security is withdrawn for the redemption of the bill thus put in circulation.

We attempted in vain to secure the people an amendment to this section, by making it correspond with the section in the old charter.



In pursuing the comparison between the provisions of this bill and the charter of the present bank, we come to the 15th section, which admits that the passage of the bill is purchased for a consideration—a provision adroitly introduced to prevent the bill from being subject to legislative modification, on the ground that it is a contract that cannot be altered.

We hold that it is not the dictate of wisdom thus to transfer power that evidently belongs to the people, to a moneyed corporation.

It is quite evident that such a provision was not introduced without an object, as it is not found in the charter of the present bank.

We further object to this section because it exempts the stock of the bank from payment of township, road, and corporation taxes. We think six millions of property belonging to banks is entitled to no such immunity, and that no such invidious distinction should be made between a bank and the people, in favor of the former.

The 17th section of the bill does not restrict the bank in the size of the notes she may issue, nor does any other section of the bill; hence the bank may issue notes of a denomination as low as ten cents, if she wish; the effect of which would be to drive out of circulation what little of gold and silver there may be in the State, and flood the country with a shinplaster currency.

Section 84 of the present charter provides that the books shall be kept open for thirty days for the subscription to stock; thus enabling all to subscribe who may desire to do so, while the 79th section of the bill under consideration, allows the commissioners to open the books in one moment and close them the next, thus giving the privilege to a particular favorite to subscribe the whole amount of stock in any branch for the benefit of interested parties. Every proposition to conform this section to the present charter was voted down by the friends of the bill.

The 84th section of the bill as originally introduced, was changed in the committee. We think the change was no amendment, and in no way secures the fund of the State. Under it a new bank will make twenty dollars on every hundred, as the difference between the money she gets to pay the bonds and the costs of the bonds, if she were to lift them to-day. That, on thirteen hundred thousand dollars of bonds, will amount to two hundred and sixty thousand dollars. In addition to this, the new bank becomes the owner of the stock in the present bank. By virtue of this ownership she has a right to draw the dividends from and after the 25th day of April next; all she is required to pay for these dividends is to discharge the interest on the bonds. In the two years that the present bank will do banking business, the dividends will be sufficient to pay the interest on the bonds and leave a surplus of three hundred thousand dollars. The new bank gets this surplus and pays the State for it not one cent.

The present bank declares a dividend on the 30th of April next, being the profit made by the bank for the preceding six months.



The State's portion of this dividend will amount to seventy-five thousand dollars. It will all have been earned by the State whilst she was the owner, and before the new bank had any claim upon it. Five days before this dividend is to be declared, the new bank is to become the owner of the stock, by virtue of the ownership she gets that dividend, and pays the State for it not a cent.

Our efforts to amend this section shared a like fate with our other attempts to guard the interests of the State.

The 85th section of the bill we will now consider for a moment.

It provides among other things that the State should not lift the out-standing bonds until the years 1864-5 and 6, although they will all be due, if the State desire it, according to their tenor, on the first day of January, 1856—two thirds of them being due at this time. The State is to stand indebted to those bondholders for the benefit of, and in aid of this new bank; and she is to hand the means for the payment of these bonds, when the stock is reduced to actual cash, over to the new bank.

The means thus to be handed over are the primary funds pledged for the payment of these bonds; the sinking fund which is but the security that the bonds shall be paid, is thereby instantly exposed to become the primary fund, and ultimately to be taken to pay the bonds: any failure on the part of the new bank to redeem her promise results in its total loss. But for the passage of this bill all of these bonds must be lifted and the State relieved from the indebtedness on their account, just as soon as the stock of the present bank could be converted into money, which must be in a period short of four years; but by this bill, the present bank must convert her stock into money precisely as she would under her own charter, and after it is converted into money, pay it over to the new bank instead of liquidating the bonds; should there be a surplus, as there probably will be a very large one, say \$780,000,—that is to be handed over to the new bank to be paid by her, not till the years 1858, 1859.

We hold that all this money belonging to the people, which they have been fostering for twenty years, is to go out of the hands of the State and placed under the control of a private corporation, without security, and that although it is called stock, the burthen and expense of converting it into money is imposed upon the State, and that is paid over to the new bank in actual cash.

The lien that this section attempts to create in favor of the State upon the stock and assets of the bank, is either worthless or else the new bank will never be able to do a banking business. If she has the right to use the money and means she receives, then the lien is wholly nugatory. If she has no right to use them, then in truth and in fact she is no bank at all.

Will any one pretend that after this money is paid over to the new bank she has not the right to use it? And if she does use it, and it goes into the hands of a third party, will any one pretend that the State has a right to follow it up?

Of what value is the lien upon the stock after the effects have been squandered? They are its life-blood, and when gone the vital spark has fled. The more the State has of it the poorer she is. It is wholly immaterial, therefore, whether the bank has a right to transfer her stock or not, as the stock without assets is a body without a soul. It may be said a bank with so large a capital would not be likely to fail without assets. True; how does the case then stand?

The capital of this bank may be six millions of dollars; she can discount two dollars and a half for one of capital stock; she can then, without a dollar of deposits, put in circulation 12 or \$15,000,000, and in addition thereto, discount two and a half to one on deposit. With this circulation she may fail. Under the 8th section of the 11th article of the constitution, the bill holder must be paid before any other creditor gets a cent.

Whoever knew a broken bank to pay fifteen millions of dollars to bill holders or anybody else? After the bill holders are paid, she has to have a surplus of two millions, or the State must suffer. Whether the State would even then come in ahead of depositors and other creditors, is at least doubtful.

The 97th section of the charter of the present bank prohibits the stockholder from paying up his stock by borrowing money from the bank to do it. In other words, it requires that the stock shall be paid up in money, and prohibits the stockholder from putting in his note instead of money. The propriety of such a provision is obvious, for without it, the stock may be paid up without money, or the money be paid in and drawn right out again, and the bank left without the means to redeem her circulation.

Why was this section left out of the bill? And why, when a motion was made to insert it, was it voted down?

Under this bill, as provided in the 81st section, the first instalment of stock is but \$2.00; the residue is to be paid so gradually, that not a dollar in addition need be paid for near two years. This, taken in connection with the fact, that the entire stock of a branch may be taken by one person, is enough to alarm the fears of the people and their representatives; for a branch may be organized by one person as stockholder, and but two dollars on the share of stock paid in. This looks very much as though the intention was that the State should furnish all the means and the stockholders none! That the stockholders shall draw all the profits, and the State run all the risk without profits!

By certain provisions in the charter of the present bank, the stock owned by the State, and the sinking fund, were both solemnly pledged for the redemption of the bonds; and further, that no appropriation should otherwise be made of either until the bonds were canceled. Will the plighted faith of the State be redeemed by the passage of this bill?

We think not; on the contrary, we violate the State's pledge, and dishonor her credit, in our humble opinion, by the passage of this bill.

Having thus presented some of the odious features of the bill in detail we beg to review the facts.

1st. We have shown that this bill is not a copy of the charter of the present bank, as pretended.

2d. That the new bank can take advantage of any law upon interest, that may subsequently be passed, realizing to itself an unusual amount of income in comparison with the amount of capital employed, and thus, too, oppressing those who seek relief at the hands of the bank.

3d. We have shown that the provisions of the bill allow the bank to discount on deposits. A very dangerous power to confer upon moneyed corporations.

4th. We have shown that the 15th section of the bill makes the passage of the bill a contract between the State and the bank, and which cannot be altered or amended by the representatives of the people; and that said section exempts from taxation, for township, road or corporation purposes, six millions of capital. Thereby granting especial privileges to a moneyed corporation; drawing a mark of distinction between it and the people, in favor of the former.

5th. We have shown that no section of the bill prohibits the issuing of bills of any denomination, from five dollars to five cents, by the bank. That the issuing of such small notes would have the tendency to drive gold and silver out of the State.

6th. We have shown, also, conclusively, that by the provisions of section 79, exclusive privileges are granted to a few interested parties, as the commissioners may close the books the very moment the stock is subscribed.

7th. We have shown that the new bank will get from the State the following sums without consideration, to-wit:

1st. This sum as the difference between the money she gets to lift the bonds and what the bonds would cost her at this time .....	\$260,000 00
2d. This sum being the surplus on the dividends of the stock for two years, over the sum necessary to pay the interest on the bonds .....	\$300,000 00
3d. This sum the dividends earned by the present bank during the past six months which will be declared on the 30th of April next.....	\$ 75,000 00
Total .....	\$635,000 00

And that thirteen hundred thousand dollars in bank stock will yield a surplus of seven hundred and eighty thousand dollars, which is to be handed over to the new bank, on her promise to return it in the years 1858-'59.

8th. We have shown that by the provisions of the 85th Section, the State stands indebted to the bondholders for ten or twelve years

for the benefit of the bank, and if the bank fails, the State is without security against the entire loss of the amount transferred.

9th. We have shown that the constitution makes the bill holder the first creditor, while the bill pretends to give the State the first lien upon the assets of the bank.

10th. We have shown that the 97th section of the charter of the present bank, prohibited a stockholder from borrowing the money from the bank to pay his stock, or from borrowing the money out of the bank paid in for stock, and that that wholesome provision is wholly omitted in this bill. Having failed to amend the bill so as to protect the interests of the State, and in our humble opinion, to preserve for the rising generation a large fund that would otherwise be appropriated to the cause of education, we feel compelled to avail ourselves of our constitutional privilege and place our objections to the bill on the journal of the Senate. The high obligation a representative owes his constituency demand at least, this from our hands.

We solemnly protest against the passage of this bill.

LUTHER SHOOK,  
JOHN MATHES,  
J. W. KIGHTLEY,  
G. W. CHAPMAN,  
SAMUEL I. RUGG,  
SWAN BROOKSHIRE,  
T. CUTSHAW,  
D. R. BEARSS,  
WM. O. BARNETT,  
R. D. SLATER,  
A. J. HOSTETLER,  
A. W. HENDRY,  
WM. HAWTHORN,  
WM. B. RICHARDSON,  
WM. MANSFIELD,  
LOYD GLAZEBROOK,  
AND. R. McCLEARY,  
P. S. SAGE,  
JOHN T. FREELAND,  
W. J. ROBINSON,  
ISAAC VANDEVANTER.

On motion by Mr. Ensey,

*Resolved*, That no Senator be allowed during the remaining portion of the session to speak a longer time than ten minutes on any one question, except it be in the way of explanation, and then not exceed five minutes.

On motion by Mr. Suit,

The Senate adjourned.



2 O'CLOCK, P. M.

The Senate met.

The special order of the day being

Senate bill No. 175. A bill districting the State into common pleas districts, fixing the salary of the judges of common pleas, and the manner of payment thereof, and to repeal 3rd, 38th and 39th sections of chapter 8th, part 1st of revised statutes of 1852.

Mr. Alexander moved to lay the bill on the table.

The ayes and noes were demanded by Messrs. Alexander and Hostetler.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brown, Combs, Crane, Cravens, Crouse, Ensey, Glazebrook, Harris, Jackson of Tipton, Kightley, Reynolds, Richardson of St. Joseph, Sage, Spann, Suit, and Williams—19.

*Those who voted in the negative were,*

Messrs. Bearss, Brookshire, Burke, Chapman, Freeland, Griggs, Hawthorn, Helm, Hostetler, Mansfield, Meeker, Richardson of Spencer, Robinson, Rugg, Shields, Slater, Vandevanter, Wilson, Witherow and Woods—20.

So the bill was not laid the table.

Mr. Spann moved to indefinitely postpone the bill.

The ayes and noes were demanded by Senators Spann and Hostetler.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Bearss, Brown, Chapman, Combs, Crane, Crouse, Drew, Glazebrook, Kightley, Richardson of St. Joseph, Robinson, Spann, Suit, Tarkington, Williams and Woods—18.

*Those who voted in the negative were,*

Messrs. Barnett, Brookshire, Burke, Cravens, Cushaw, Ensey, Griggs, Harris, Hawthorn, Helm, Hendry, Hostetler, Jackson of Tipton, Mansfield, Mathes, Meeker, Richardson of Spencer, Rugg, Sage, Shields, Shook, Wilson and Witherow—23.

So the bill was not indefinitely postponed.

Mr. Tarkington offered the following amendment—"add the county of Morgan to the 8th district."

On motion by Mr. Jackson of Tipton,

The bill and pending amendment was re-committed to the committee on the Organization of Courts, with instructions to provide for the time of holding the courts in the several districts.

No. 102. A bill to provide for the public peace and private security, and to prevent conspiracies and combinations interfering with the free enjoyment of religious rights of citizens, and prescribing the punishment therefor.

Being the special order of the day.

On motion by Mr. Anthony,

The bill was laid on the table.

#### BILLS INTRODUCED.

By unanimous consent

Mr. Witherow introduced

Senate bill No. 179. A bill fixing the time of holding the terms of circuit courts in the 5th Judicial Circuit.

Which was read a first time.

Mr. Witherow moved to suspend the rules, and read the bill a second time.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Ensey, Griggs, Harris, Hawthorn, Hendry, Hostetler, Jackson of Tipton, Kightley, Mathes, Meeker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Spann, Suit, Weston, Williams, Wilson, Witherow and Woods—37.

*Those who voted in the negative were,*

Messrs. Alexander, Freeland, Glazebrook, McCleary, Mansfield, Slater and Tarkington—7.

So the rules were suspended and the bill read a second time, by its title.

And ordered to be engrossed.

By unanimous consent,

Mr. Woods introduced

Senate bill No. 180 A bill supplemental to, and amendatory of



an act entitled "an act to prohibit the manufacture and sale of spirituous liquors, except in cases therein named, and for the suppression of intemperance."

Which was read a first time, and passed to a second reading.

By unanimous consent,  
Mr. Shields introduced

Senate bill No. 181. A bill to repeal an act to prevent railroad companies from changing their depots on conditions therein named.  
Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Anthony introduced

Senate bill No. 182. A bill declaring valid certain deeds or letters patent of the State of Indiana to purchasers of swamp lands.  
Which was read a first time.

Mr. Anthony moved to suspend the rules and read the bill a second time.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Cut-haw, Drew, Ensey, Freeland, Griggs, Harris, Hawthorn, Hendry, Hostetter, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—42.

Mr. Glazebrook voting in the negative.

So the rules were suspended, and the bill read a second time by its title.

The bill was considered as engrossed.

Mr. Anthony moved to further suspend the rules, and read the bill a third time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Ensey, Freeland, Griggs, Harris, Hawthorn, Helm, Hendry, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—38.

*Those who voted in the negative were,*

Messrs. Cutshaw, Hostetler, Kightley, McCleary and Mansfield—5.

So the rules were suspended and the bill read a third time,  
The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Barss, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hostetler, Jackson of Tipton, Kightley, McCleary, Mansfield, Mahes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—45.

No Senator voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Leave being granted,

Mr. Suit, from a select committee, made the following report:

MR. PRESIDENT:

Theselect committee, to whom was referred Senate bill No. 177, "an act to legalize the organization of railroad companies, and election of directors thereof in certain cases," have had the same under consideration, and directed me to report the same back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

By unanimous consent,

Mr. Rugg introduced

Senate bill No. 183. A bill to require the Governor to cause to be published, monthly lists of appointments to office, pardons granted, and fines and forfeitures remitted by him,

Which was read a first time, and passed to a second reading.

By unanimous consent,

Mr. Cravens introduced

Senate bill No. 184. A bill to provide for the empannelling of

juries, where the sheriff shall fail to, or improperly empanel the same,

Which was read a first time.

Mr. Cravens moved to suspend the rules and read the bill a second time.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Jackson of Tipton, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Withrow and Woods—40.

No Senator voting in the negative.

So the rules were suspended and the bill read a second time by its title.

Mr. Tarkington moved to refer the bill to the committee on the Judiciary, with the following instructions:

Amend the same, "That the regular pannel of jurors, both for the circuit courts and courts of common pleas be abolished, and that jurors be selected by the sheriff from by-standers for said courts."

On motion by Mr. Anthony,

The instructions were laid on the table, and the bill referred to the committee on the Judiciary.

Leave being granted,

On motion by Mr. Hawthorn.

House bill No. 160. A bill to amend the act entitled "an act authorizing the construction of plank, McAdamized and gravel roads, and to empower the same to make sale of a portion of their roads,"

Was taken from the files.

Mr. Hawthorn moved to recommit the bill with the following instructions, to a select committee of three:

Sec. 8. It is further declared that the Central Plank Road Company shall in no case charge any officer, persons or teams, connected with the public Asylums of the State and the business thereof, any fee or toll contemplated herein.

Mr. Bearss moved to amend the instructions as follows:

*Provided*, that persons going to and from funerals, soldiers of the United States or of this State, while in actual service, and ministers of the Gospel going to and returning from appointments for preaching, shall be exempt from the payment of tolls.

Which was agreed to.

The question recurring on the original instructions,

They were adopted, and the bill referred to a select committee consisting of Senators Hawthorn, Hosbrook and Drew.

#### ORDERS OF THE DAY.

##### *Senate Bills on Third Reading.*

The pending question at adjournment, being on the motion of Mr. Shook to re-commit with instructions,

Senate bill No. 139. A bill to provide for the election of officers of the State Prison, and for the appraisement of said Prison.

The instructions were withdrawn.

On motion by Mr. Shields,

And by unanimous consent of the Senate the bill was amended as follows:

"That the State shall not take any machinery, stock or tools that will not be necessary in carrying on the business under the new organization."

The question being, shall the bill pass?

##### *Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Bearss, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Eusey, Freeland, Griggs, Harris, Hawthorn, Helm, Hendry, Kightley, Meeker, Parker, Reynolds, Richardson of St. Joseph, Robinson, Sage, Spann, Sui, Tarkington, Vandevanter, Weston, Williams, Wilson, Withers and Woods—35.

##### *Those who voted in the negative were,*

Messrs. Brookshire, Glazebrook, Hostetler, Mansfield, Mathes, Richardson of Spencer, Shields, Shook and Slater—10.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 140. A bill to provide for the government and discipline of the State Prison.

Was read a third time.

The question being, shall the bill pass?

##### *Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Eusey, Freeland, Griggs, Harris, Hawthorn, Jackson of Tipton, Kightley,

Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Robinson, Rugg, Sage, Shields, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—40.

Messrs. Richardson of Spencer and Shook voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 149. A bill to authorize the commissioner on swamp lands, to compensate for ditching or draining where such has been completed by private enterprise, and was necessary to the draining of swamp lands belonging to the State, or which has been or may be sold as such.

Was read a third time.

Mr. Hostetler moved to re-commit the bill with the following instructions:

Re-commit with instructions so to amend, that all lands drained or reclaimed, belonging to any person or persons, by the cutting of any ditch, or any other improvement made by the commissioner, or that may hereafter be made at the expense of the swamp land fund, shall pay for the same in proportion to the amount held by him to the whole amount drained.

On motion by Mr. Anthony,

The instructions were laid on the table.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cut-haw, Drew, Ensey, Freeland, Griggs, Harris, Hawthorn, Jackson of Tipton, Kig tley, Parker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shields, Spann, Suit, Tarkington, Vandevanter, Weston, Williams and Woods—30.

*Those who voted in the negative were,*

Messrs. Bearss, Glazebrook, Helm, Hostetler, McCleary, Mansfield, Mathe-, Meeker, Reynolds, Robinson, Sage, Shook, Slater, Wil-on, and Witherow—15.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 153. A bill to prohibit adult persons from gaming or wa-



gering with minors, and prescribing that such adults on conviction, shall be fined and imprisoned in the county jail, and making such minor a competent witness, and absolving the minor from all liability for such gaming and wagering in case the minor is a witness against such adult as may be charged.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hostetler, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robin-on, Rugg, Sage, Shook, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—43.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 156. A bill to amend section three hundred and fifteen of chapter one, of part 2nd of the 2nd volume of the Revised Statutes of 1852.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brook-hire, Burke, Chapman, Combs, Crane, Cravens, Ensey, Griggs, Harris, Helm, Jackson of Tipton, Kightley, McCleary, Mansfield, Meeker, Parker, Richardson of Spencer, Robinson, Rugg, Sage, Suit, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—31.

*Those who voted in the negative were,*

Messrs. Brown, Crouse, Cutshaw, Drew, Glazebrook, Hawthorn, Hostetler, Mathes, Shields, Shook, Slater, and Spann,—12.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 158. A bill to amend an act to incorporate the Madison Marine Insurance Company, approved Jan. 11th, 1849.

Was read a third time.

The question being, shall the bill pass?



*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Burke, Chapman, Combs, Crane, Cravens, Crouse, Griggs, Harris, Jackson of Tipton, Kightley, Meeker, Parker, Robinson, Rugg, Sage, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow, and Woods—26.

*Those who voted in the negative were,*

Messrs. Bearss, Brookshire, Brown, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Hawthorn, Helm, Hostetler, McCleary, Mansfield, Mathes, Richardson of St. Joseph, Richardson of Spencer, Shook, Slater and Spann—19.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 160. A bill to suspend the operations of an act entitled "an act to prohibit the manufacture and sale of spirituous liquors except in cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance," approved Feb. 16th, 1855.

Was read a third time.

Mr. Sage moved to recommit the bill with the following instructions :

Recommit to the committee with instructions to strike out of Sec. 1st, the words "spirituous and intoxicating liquors, ale, beer, wine, and cider," in the ninth and tenth lines, and insert in lieu thereof, the following, viz : " Alcohol of not less than 90 per cent. proof, to be exported out of this State, but in no case to be sold by said manufacturer within this State, except as is permitted by the act of which this is an amendment."

On motion by Mr. Slater,

The instructions were laid on the table.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Alexander, Brookshire, Brown, Drew, Glazebrook, Hostetler, McCleary, Mansfield, Mathes, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shook, Slater, Spann, and Tarkington—16.

*Those who voted in the negative were,*

Messrs. Anthony, Barnett, Bearss, Burke, Chapman, Combs, Crane, Crouse, Cutshaw, Ensey, Freeland, Griggs, Harris, Haw-

thorn, Helm, Jackson of Tipton, Kightley, Meeker, Parker, Robinson, Sage, Suit, Vandevanter, Williams, Wilson, Witherow and Woods—28.

So the bill was lost.

No. 161. A bill to extend relief to debtors.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Brookshire, Brown, Combs, Crane, Drew, Jackson of Tipton, McCleary, Robinson, Slater, Spann, Suit, Wilson, and Woods—15.

*Those who voted in the negative were,*

Messrs. Alexander, Bearss, Burke, Chapman, Cutshaw, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosteler, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Sage, Shook, Tarkington, Williams, and Witherow—24.

So the bill was lost.

No. 164. A bill to provide for the settlement of the claims of the lessee of the State Prison.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Burke, Chapman, Combs, Crane, Crouse, Cutshaw, Drew, Freeland, Griggs, Harris, Hawthorn, Jackson of Tipton, Kightley, McCleary, Mansfield, Meeker, Reynolds, Robinson, Rugg, Sage, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—34.

*Those who voted in the negative were,*

Messrs. Brown, Glazebrook, Helm, Hendry, Mathes, Richardson of St. Joseph, Richardson of Spencer, Shields, Shook, and Slater—10.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 165. A bill to prevent the fraudulent issue of stocks.  
 Was read a third time,  
 The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Crouse, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hostetler, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Shields, Shook, Spann, Tarkington, Vandevanter, Williams, Wilson, Witherow and Woods—39.

Mr. Hendry, voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

On motion by Mr. Anthony,

House bill No. 77. A bill to fix the time of holding the courts of common pleas, and the length of the terms thereof in the several counties of this State, and repealing all former laws in reference thereto,

Was taken from the table with the pending amendments.

The question being on the adoption of the amendments,

They were agreed to.

Mr. Witherow moved to amend the bill as follows:

Amend the 32d section by striking out "fourth Mondays in January, April, July and October," and inserting "second Mondays in February, May, August and November."

Which was adopted.

Mr. Parker moved to amend as follows:

Amend section eighty, by striking out all after the first line, and insert the following:

Third Mondays in January, April, July and October, and shall sit as long as the business thereof may require.

Amend the fourth line of section 88, by striking out the word "two" and insert instead thereof, the word "three."

Amend section 89, line 2d, by striking out the word "fourth," and insert the word "first."

Which were adopted, and the bill ordered to a third reading.

On motion by Mr. Tarkington,

Senate bill 151. A bill relating to the State University,

Was taken from the table,

And by unanimous consent,

The bill was amended by striking out the 20th section.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brown, Burke, Chapman, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Harris, Hawthorn Hostetler, Jackson of Tipton, Kightley, Parker, Reynolds, Richardson of St. Joseph, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Tarkington, Vandevanter, Williams, Wilson, Witherow and Woods—33.

*Those who voted in the negative were,*

Messrs. Bearss, Brookshire, Cutshaw, Glazebrook, Griggs, Helm, Hendry, Mansfield, Mathes, Meeker and Richardson of Spencer—11.

So the bill passed.

On motion by Mr. Tarkington,

The title was amended as follows:

Amend title as follows: Strike out in the title of the bill, as follows: "for transferring to the property thereof securities entered into for its benefit by individuals; for repairing losses by fire of its library and building."

*Ordered*, That the Secretary inform the House thereof.

On motion by Mr. Alexander,

A recount was taken on Senate bill No. 80. A bill to authorize the transfer of stocks to the State bank of Indiana, or to her for the use of a branch, by a failing debtor or other person, when the same becomes necessary to prevent loss,

Which had been lost for want of a constitutional majority.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Harris, Hawthorn, Helm, Hendry, Hostetler, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Reynolds, Richardson of St. Joseph, Robinson, Rugg, Sage, Shields, Shook, Spann, Tarkington, Vandevanter, Wilson, Witherow and Woods—37.

Messrs. Griggs, Parker, and Richardson of Spencer voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

A message from the House, by Mr. Levering their clerk.



MR. PRESIDENT:

I am directed by the House to inform the Senate, that the House has passed engrossed bill of the Senate No. 148, entitled "a bill for the collection of the surplus revenue, and other school or trust funds, and making county auditors; and county treasurers competent witnesses in suits for the collection of the same," with sundry engrossed amendments of the House thereto, in which the concurrence of the Senate is respectfully requested.

The amendments were concurred in.

*Ordered*, That the Secretary inform the House thereof.

A message from the House by Mr. Levering, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill thereof:

No. 167. A bill to amend the sixth section of an act entitled an act to provide for the election of a reporter, and speedy publication of the decisions of the Supreme Court, and for the compensation of such reporter, approved February 5, 1852.

In which the concurrence of the Senate is respectfully requested.

No. 167 contained in the foregoing message, was read a first time.

Mr. Anthony moved to suspend the rule, and read the bill a second time.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Finsey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hostetler, Jackson of Tipton, Kightley, Mansfield, Mathes, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Williams, Wilson and Woods—40.

No Senator voting in the negative.

So the rules were suspended, and the bill read a second time by its title; and,

On motion by Mr. Anthony,

Referred to the committee on the judiciary.

On motion by Mr. Tarkington,

Senate bill No. 128. A bill to provide for a general and uniform system of common schools, and school libraries, and matters properly connected therewith, and to repeal all acts inconsistent therewith.

Was taken from the table, and made the special order of the day for to-morrow, at 3 o'clock, P. M.

A message from the House, by Mr. Levering, their clerk.

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed without amendment engrossed

Senate bill No. 84, entitled "An act amending section 11, of chapter 31, of the revised statutes of 1852, relative to the making out and furnishing to the several inspectors of elections, poll books, tally papers, &c., and providing compensation for said services."

Mr. Hostetler, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT :

The committee on Enrolled bills have compared the enrolled with the engrossed copy of Senate bill No. 84. An act amending section 11, of chapter 31, of the revised statutes of 1852, relative to the making out and furnishing to the several inspectors of elections, poll books, tally papers, and providing compensation for said services, and find the same correctly enrolled.

On motion by Mr. Spann,  
The Senate adjourned.



TUESDAY MORNING, 9 o'clock, }  
February 27th, 1855. }

The Senate met.

On motion by Mr. Cravens,  
The reading of the Journal was dispensed with.

#### PETITIONS, MEMORIALS, &c.

By Mr. Ensey;

A petition from the citizens of Parke county on the subject of  
Banks.

Referred to the committee on Banks.

#### REPORTS FROM COMMITTEES.

Mr. Richardson of St. Joseph, chairman of the committee on  
Corporations, made the following report:

MR. PRESIDENT:

The committee on Corporations to whom was referred House bill  
No. 105. "A bill to amend section twenty-two of an act entitled an  
act for the incorporation of towns, defining their powers, providing  
for the election of officers thereof and declaring their duties, ap-  
proved June, 11th. 1852," have had the same under consideration,  
and have directed me to report the bill back to the Senate with the  
following amendment, after the adoption of which, they recommend  
its passage:

Amend by adding to the bill as follows—

"*Nineteenth.* Said board of trustees shall have power to levy  
and collect annual taxes, not exceeding thirty cents on the hundred  
dollars valuation, on all property subject by law to taxation, for the  
support of town schools within their said corporation.

The report was concurred in, amendment adopted, and the bill  
ordered to a third reading.

Mr. Anthony, chairman of the committee on the Judiciary, made  
the following report:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred House bill  
No. 167. "A bill to amend the sixth section of an act entitled an  
act to provide for the election of a reporter, and a speedy publica-

tion of the decisions of the Supreme Court, and for the compensation of such reporter," have had the same under consideration, and have directed me to report it back without amendment and recommend its passage.

The report was concurred in, and the bill ordered to a third reading.

Mr. Harris, from the committee on the Judiciary, made the following report:

MR. PRESIDENT:

The Judiciary committee to whom was referred House bill No. 154, have instructed me to report the same back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to a third reading.

Mr. Freeland, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was recommitted House bill No. 160, a bill to amend the act entitled "an act authorizing the construction of plank, McAdamized, and gravel roads, and empower the same to make sale of a portion of their road," with sundry amendments, have had the same under consideration, and directed me to report the bill back with the following amendments, and when so amended recommend its passage.

Amend Sec. 8, after it reads "business thereof," "and it is further declared that the central plank road company shall in no case charge any officer, person or team, connected with the public Asylums of this State, and the business thereof, any fee or toll contemplated therein. And *provided* further, that no plank road in this State shall exact pay from persons going to and from funerals, or soldiers of the United States, or of this State, while in service, or of ministers of the gospel going to and returning from their appointments for preaching.

The report was concurred in, the amendments adopted, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bears, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Griggs, Harris, Hawthorn, Helm, Hendry, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Meeker, Richardson of St. Joseph, Rugg, Sage, Williams, Wilson, Witherow and Woods—31.

*Those who voted in the negative were,*

Messrs. Brookshire, Glazebrook, Hostetler, McCleary, Mathes, Richardson of Spencer, Shields, Shook, and Slater—9.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Mr. Hendry, from the committee on the Judiciary, made the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred Senate bill No. 184, an act to provide for the empannelling of juries when the sheriff shall fail to, or improperly empanel the same, have had the same under consideration and directed me to report the same back with the following amendments, and when so amended recommend its passage:

Amend the 2nd section by striking out of the 7th line, the word "empanel," and insert "order the empanneling."

Also,

Amend the title by striking out after the word "act" the words "to provide for," and insert "authorizing the judge of any court to order."

The amendments were concurred in, and the bill ordered to be engrossed.

Mr. Slater, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred a claim of S. H. Patterson, amount \$3,776 46, have had the same under consideration, and being apprised that the same has been adjusted already, by the action of the Senate, have instructed me to report it back, and recommend that it be indefinitely postponed.

The report was concurred in.

Mr. Slater, from a select committee, made the following report:

MR. PRESIDENT:

The committee to whom was referred Senate bill No. 96, requiring railroads to be fenced, and providing for compensation for stock killed, &c., have had the same under consideration and have instructed me to report it back, and recommend that the Senate lay the same upon the table.

On motion by Mr. Brown,

The report of the committee was laid on the table.

Mr. Brown moved to recommit the bill to a select committee of three.

Mr. Rugg offered the following instructions :

Amend so that it is "*Provided* that a repeal thereof shall not apply to, or in any manner affect, any case or proceeding now pending or heretofore tried.

Which were agreed to.

The bill and instructions were referred to a select committee consisting of Senators Brown, Robinson and Hawthorn.

#### RESOLUTIONS.

On motion by Mr. Spann,

*Resolved*, That Peter Glenn be allowed his mileage and pay for service from the commencement of the session until the contested seat was decided by the Senate, and that the President of the Senate certify his account accordingly.

Mr. Richardson of St. Joseph, offered the following resolution.

*Resolved*, That hereafter the hours of meeting of the Senate shall be 8½ o'clock A. M., and 1½ P. M.

Which was not adopted.

Mr. Jackson of Tipton, offered the following preamble and resolution :

**WHEREAS**, there is a large accumulation of unfinished business before the Legislature, involving deeply the general interest of the State, which it will be impossible in the short portion of the session yet remaining, to finish up; and whereas, it is believed that a short prolongation of the session will enable the two Houses to complete what is in progress, and which it is so necessary to do, therefore,

*Resolved*, That his Excellency the Governor, be requested forthwith, to call a special session at the adjournment of the present session.

Which,

On motion by Mr. Anthony,

Was laid on the table.

## BILLS INTRODUCED.

By unanimous consent,  
Mr. Crouse introduced

Senate bill No. 185. A bill to provide for the leasing of county seminaries where they have been erected upon lands conveyed upon a condition that such lands and the buildings should be used for seminary purposes only, or for seminary purposes and town or public meetings,

Which was read a first time.

Mr. Parker moved to suspend the rule, and read the bill a second time.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Brookshire, Brown, Burke, Chapman, Combs, Crane, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Harris, Hawthorn, Helm, Hendry, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Williams, Wilson, Witherow and Woods—40.

No Senator voting in the negative.

So the rule was suspended, and the bill read a second time by its title; and

On motion by Mr. Parker,  
Referred to the committee on the Judiciary.

By unanimous consent,  
Mr. Richardson of St. Joseph introduced

Senate bill No. 186. A bill to provide for the collection, safe keeping and disbursement of the State and county revenue.

Which was read a first time.

Mr. Slater moved to suspend the rule, and read the bill a second time.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Helm, Hendry, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Richardson of St. Joseph, Richardson of Spen-



cer, Robinson, Rugg, Sage, Shields, Slater, Spann, Suit, Tarkington, Weston, Wilson, Witherow and Woods—40.

No Senator voting in the negative.

So the rules were suspended, and the bill read a second time by its title; and

On motion by Mr. Slater,  
Referred to the committee on Finance.  
By unanimous consent,  
Mr. Brookshire introduced

Senate bill No. 187. A bill to amend sec. 96 of an act entitled, "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real estate, county treasurers and auditors, and of the Treasurer and Auditor of State,

Which was read a first time.

Mr. Brookshire moved to suspend the rule, and read the bill a second time.

The ayes and noes being taken under the constitution.

*Those who voted in affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Burke, Chapman, Combs, Crane, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hostetter, Jackson of Madison, Jackson of Tipton, Kighly, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Wilson, Witherow and Woods—43.

No Senator voting in the negative.

So the rule was suspended, and the bill read a second time by its title; and,

On motion by Mr. Brookshire,  
Referred to the committee on the Judiciary.

*House Bills on Third Reading.*

No. 92. A bill to provide for the issuing certificates in cases of the casual destruction of outstanding State bonds, and of duplicates in cases of the destruction of State certificates of stock,

Was read a third time.

The question being, shall the bill pass?



*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Bearss, Burke, Chapman, Combs, Crane, Cravens, Crouse, Ensey, Freeland, Harris, Hawthorn, Helm, Hostetler, Kightley, Meeker, Parker, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Wilson, and Witherow—32.

*Those who voted in the negative were,*

Messrs. Cutshaw, Jackson of Madison, Jackson of Tipton, Mansfield, and Mathes—5.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Leave being granted,

On motion by Mr. Richardson of Spencer,

*Resolved*, That the Secretary of the Senate be, and he is hereby requested to furnish the Senate before its final adjournment, a list of all bills which have passed this General Assembly at this session.

Leave being granted,

Mr. Bearss offered the following resolution :

*Resolved*, That the claims of Peter Glenn, Geo. W. McDowell, Geo. W. Chapman, to per diem and mileage during the period for which their seats were contested, be referred to committee on claims.

Which was not agreed to.

No. 68. A bill providing for trial of causes in the several circuit courts, in cases in which the circuit judge is interested or related to either of the parties, also providing for the holding of terms of courts, when such judge is absent or unable to attend, and repealing sections 3 and 4 of chapter 4, of the second volume of the revised statutes of 1852, and providing for compensation of persons holding such courts.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Harris, Hawthorn, Helm, Hendry, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Richardson of Spen-

cer, Sage, Shook, Spann, Suit, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—35.

No Senator voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 119. A bill to provide for the punishment of persons interfering with trains on railroads.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barnett, Bearss, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Ensey, Freeland, Griggs, Harris, Hawthorn, Helm, Hendry, Hostetler, Jackson of Madison, Jackson [of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Richardson of Spencer, Rugg, Sage, Shook, Tarkington, Vandevanter, Weston, Wilson and Witherow—34.

*Those who voted in the negative were,*

Messrs. Suit, Williams and Woods—3.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 115. A bill to legalize, confirm and declare valid all sales of real estate, all settlements of decedents estates, and any and all acts done by any person, officer, corporation or association of persons, which may have been done in conformity with any amendatory act passed during the 37th session of the General Assembly of the State of Indiana.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Griggs, Harris, Hawthorn, Helm, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Meeker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Sage, Suit, Tarkington, Vandevanter, Williams, Wilson, Witherow and Woods—20.

*Those who voted in the negative were,*

Messrs. Bearss, Brookshire, Cutshaw, Drew, Glazebrook, Hendry, Rugg, Shields, Shook, Slater and Weston—11.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 146. A bill to authorize the commissioners of the sinking fund to adjust the unsettled account between the State of Indiana and the Merchants' Bank in the city of New York, and to pay \$5,716 90 due with interest.

Was read a third time; and,

On motion by Mr. Witherow,  
Laid on the table.

No. 153. A bill prohibiting adult persons from gaming and wagering with minors, and prescribing that such adults on conviction shall be fined and imprisoned in the county jail, and making such minor a competent witness, and absolving the minor from all liabilities for such gaming and wagering in case the minor is a witness against such adults as may be charged.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Bearss, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hostetler, Jackson of Madison, Kightley, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shook, Slater, Suit, Vandevanter, Weston, Williams, Wilson and Witherow—38.

*Those who voted in the negative were,*

Messrs. Barnett, Brookshire, and Freeland—3.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 163. A bill to amend the 54th section of an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Suit, Weston, Williams, Wilson and Witherow—40.

No Senator voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 52. A bill to prohibit profanity.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Freeland, Glazebrook, Hawthorn, Helm, Hendry, Jackson of Madison, Jackson of Tipton, Mansfield, Mathes, Meeker, Reynolds, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Suit, Vandevanter, Williams, Wilson, Witherow and Woods.—38

Mr. Richardson of St. Joseph voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 80. A bill requiring written briefs to be filed in the supreme court.

Was read a third time.

Mr. Anthony moved to lay the bill on the table,

Which was not agreed to.

Mr. Anthony moved to postpone the further consideration of the bill, until next Friday morning at 9 o'clock.

Which was not agreed to.

On motion by Mr. Anthony,

The bill was laid on the table.

No. 150. A bill to authorize the county commissioners in their respective counties, to sell the lands in which the surplus revenue fund belonging to the common schools has been invested, and to re-invest the proceeds.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Jackson of Madison, Jackson of Tipton, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Suit, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—40.

Mr. Hendry voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 12. A bill to amend an act entitled "an act for the incorporation of insurance companies, defining their powers and prescribing their duties," approved June 17th, 1852.

Was read a third time.

On motion by Mr. Harris,  
The bill was laid on the table.

No. 51. A bill to amend the 71st section of an act entitled "an act to provide for the valuation and assessment of real and personal property, &c."

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Harris, Hawthorn, Helm, Hendry, Hostetler, Jackson of Tipton, Kightley, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shook, Spann, Suit, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—37.

Mr. Bearss voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 140. A bill to authorize the election of church wardens and vestrymen, and defining their powers and duties.

Was read a third time.

The question being shall the bill pass?



*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Helm, Hendry, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shook, Spann, Suit, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—38.

Mr. Brookshire voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 170. A bill to authorize educational corporations to borrow money and secure the same by mortgage, and to increase or diminish the number of their trustees.

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Burke, Chapman, Combs, Crane, Crouse, Cutshaw, Ensey, Freeland, Glazebrook, Harris, Hawthorn; Helm, Hendry, Hosbrook, Jackson of Madison, Kightley, McCleary, Meeker, Reynolds, Rugg, Sage, Shields, Shook, Spann, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—36.

*Those who voted in the negative were,*

Messrs. Bearss, Griggs, Hostetler, Mansfield, Mathes, Meeker, and Richardson of St. Joseph—7.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 148. A bill to provide for the issuing of fee bills and executions against Justices, on appeal bonds in the supreme court.

Was read a third time;

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Cutshaw, Drew, Ensey,



Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Vandevanter, Williams, Wilson, Witherow and Woods—43.

Mr. Mathes voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 120. A bill to amend the 21st section of an act prescribing the duties of justices of the peace in state prosecutions, approved May 29th, 1852.

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Crouse, Cutshaw, Ensey, Freeland, Griggs, Harris, Hawthorn, Helm, Hendry, Hostetler, Jackson of Madison, Jackson of Tipton, Kightly, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Suit, Vandevanter, Williams, Wilson, Witherow and Woods—42.

No Senator voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 122. A bill to amend an act regarding drift and estrays, approved June 9, 1852.

Was read a third time, and

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Helm, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Shook, Wilson and Witherow—35.

Messrs. Hendry and Shields, voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 127. A bill to amend the 596th section of chapter 1, and article 29, of the revised statutes of 1852.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Suit, Vandevanter, Williams, Wilson and Witherow—41.

\* Mr. Shields voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 149. A bill providing for the sale of saline lands remaining unsold in this State.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Burke, Chapman, Combs, Cravens, Crouse, Drew, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Hostetler, Jackson of Madison, Kightley, McCleary, Mansfield, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Shields, Suit, Vandevanter and Weston—31.

*Those who voted in the negative were,*

Messrs. Helm, Hendry, Mathes, Meeker, Shook, Slater, Wilson and Witherow—8.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

The order of buusiness was suspended, and Senate bills on third reading were taken up.

*Senate Bills on Third Reading.*

No. 176. A bill to amend sections three and six of an act providing for the election and prescribing certain duties of county surveyors, approved June 17, 1852.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Ensey, Freeland, Glazebrook, Harris, Hawthorn, Helm, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Suit, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—35.

*Those who voted in the negative were,*

Messrs. Bearss, Brookshire, Hendry, Hostetler, McCleary, Mathes, Shook and Slater—8.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 177. A bill to legalize the organization of railroad companies, and election of directors thereof in certain cases.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Suit, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—43.

Mr. Slater voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 179. A bill fixing the times of holding the courts in the 5th Judicial circuit,

Was read a third time.

On motion by Mr. Witherow,

And by unanimous consent of the House, the bill was amended as follows:

Amend by adding the following section to the bill:

Sec. —. All parties in court in said circuit, and all witnesses and other persons concerned shall take notice of this act; and all writs, process and notices which may have been issued or served before the taking effect of this act, in relation to matters now pending in any court in said circuit, shall be returnable to the first day of the first term of said courts, as fixed by this act; and all suits, recognizances, motions, rules, and other proceedings which at the time of taking effect of this act shall be pending in any of said courts, shall be acted upon therein in the same manner as if this act had been in force at the time they were commenced, taken, issued, or instituted.

2d. Add to the last section, "and it is hereby made the duty of the Secretary of State, to forward to the clerks of the Hendricks and Tipton circuit courts, a copy of this act."

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Buik, Chapman, Combs, Crane, Crouse, Cutshaw, Ensey, Freeland, Harris, Hawthorn, Helm, Hostetler, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—42.

Mr. Glazebrook voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

A message from the House, by Mr. Levering, their Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate, that the House has passed the following engrossed bills of the Senate: No. 76, entitled "a bill to amend section 3 of an act for the regulation of weights and measures," approved June 9th, 1852, with the accompanying engrossed amendment thereto.

Also,



Senate bill No. 111. A bill for the incorporation of high schools, academies, colleges, universities, theological institutions, and missionary boards, with the accompanying engrossed amendment thereto.

In which the concurrence of the Senate is respectfully requested.

The engrossed amendments to Senate bills 76 and 111, were concurred in.

*Ordered*, That the Secretary inform the House thereof.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill thereof :

No. 27. A bill to amend an act entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers," approved June 18th, 1852.

In which the concurrence of the Senate is respectfully requested.

House bill No. 29, contained in the foregoing message,  
Was read a first time, and passed to a second reading.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am also directed by the House to inform the Senate, that the House has passed the following engrossed bill thereof, viz :

House bill No. 121. A bill to provide for the relocation of county seats, and for the erection of public buildings in counties, in cases of such relocation.

In which the concurrence of the Senate is respectfully requested.

No. 121 contained in the foregoing message was read a first time.

Mr. Richardson of Spencer moved to suspend the rule, and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Combs, Crane, Cravens, Ensey, Glazebrook, Griggs, Helm, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Meeker, Reynolds, Richardson of Spencer, Robinson, Sage, Shields, Tarkington, Weston, Williams, Wilson, Witherow and Woods—31.

*Those who voted in the negative were,*

Messrs. Hawthorn, Hendry, Parker, Richardson of St. Joseph, Shook, Slater, Suit and Vandevanter—8.

So the rules were suspended and the bill read a second time; and,

On motion by Mr. Richardson of St. Joseph,

Referred to a select committee of one from each congressional district, consisting of

Senators Richardson of St. Joseph, Woods, Spann, Sage, Burke, Witherow, Combs, Reynolds, Chapman, Weston and Anthony.

A message from the House, by Mr. Levering, their clerk.

MR. PRESIDENT :

I am directed by the House to inform the Senate, that the House has passed engrossed bill of the Senate No. 6, entitled "A bill for the protection of the Sabbath," with the accompanying engrossed amendment of the House to the title thereof.

In which the concurrence of the Senate is respectfully requested.

The amendment was concurred in.

*Ordered*, That the Secretary inform the House thereof.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am also directed by the House to inform the Senate, that the House has passed engrossed bill of the House No. 212, entitled "A bill to raise a revenue for State purposes for the years 1855 and 1856.

In which the concurrence of the Senate is respectfully requested.

No. 202 contained in the foregoing message was read a first time.

Mr. Anthony moved to suspend the rule, and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Hendry, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shook.



Slater, Spann, Suit, Tarkington, Williams, Wilson, Witherow and Woods—42.

Mr. Shields voting in the negative.

So the rules were suspended, and the bill read a second time; and,

On motion by Mr. Anthony,  
Referred to the committee on Finance.

On motion,  
The order of business was suspended; and,  
House bill No. 87. A bill regulating the fees of officers, and repealing former laws in relation thereto;  
Put on its third reading.  
The bill was read a third time.

On motion by Mr. Tarkington,  
So the Senate adjourned.

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2 O'CLOCK, P. M.

The Senate met.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brookshire, Brown, Burke, Chapman, Combs, Crane, Crouse, Drew, Ensey, Griggs, Harris, Hawthorn, Helm, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Meeker, Parker, Richardson of St. Joseph, Rugg, Spann, Weston, Williams, Wilson, Witherow and Woods—31.

*Those who voted in the negative were,*

Messrs. Barnett, Cutshaw, Hendry, Richardson of Spencer, Shields, Shook, Slater and Vandevanter—8.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 77. A bill to fix the time of holding the courts of common

pleas, and the length of the terms thereof in the several counties of this State, and repealing the former laws in reference thereto.

Was read a third time.

On motion by Mr. Drew,

And by unanimous consent of the Senate,

"Two" was stricken out in regard to Vanderbug, and "three" inserted.

On motion by Mr. Kightley,

And by unanimous consent of the Senate,

"Two" was stricken out with respect to the county of Johnson, and "three" inserted.

On motion by Mr. Suit,

The bill was laid on the table.

### *Senate Bills on Second Reading.*

No. 180 A bill supplemental to, and amendatory of an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in cases therein named, and for the suppression of intemperance."

Was read a second time.

Mr. Woods moved to suspend the rules, and read the bill a third time.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Cravens, Drew, Glazebrook, Harris, Helm, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shields, Shook, Slater, Spann, Suit, Tarkington, Weston, Witherow and Woods—30.

*Those who voted in the negative were,*

Messrs. Barnett, Burke, Chapman, Combs, Crane, Crouse, Cuthshaw, Ensey, Freeland, Griggs, Hawthorn, Hendry, Hosbrook, Meeker, Robinson, Sage, Vandevanter, Williams and Wilson—19.

So the rules were not suspended.

On motion by Mr. Bearss,

The bill was laid on the table.

No. 169. A bill to provide for the change of county lines.

Was read a second time.

On motion by Mr. Robinson,

Referred to the committee on County and Township Business.

Leave being granted,

Mr. Cravens, from the committee on Finance, made the following report :

MR. PRESIDENT :

The committee on Finance, to whom was referred House bill No. 157, a bill providing for an investigation of the affairs of the Madison and Indianapolis Railroad company, and authorizing a compromise therewith if deemed of advantage to the State, &c., have instructed me to report the same back and recommend its passage.

The report was concurred in, and the bill ordered to a third reading.

Leave being granted,

Mr. Hawthorn, from the committee on Public Printing, made the following report :

MR. PRESIDENT :

The committee on Public Printing, to whom was referred a resolution of the Senate, to enquire into the expediency of providing by law, " that the Secretary of State be authorized, after the expiration of the term of office of the present State Printer, to contract with the lowest responsible bidder for doing up the public documents, including folding, stitching, covering, and pressing the sheets, and report by bill or otherwise," have had the same under consideration, and directed me to report the same back and recommend that Legislation is not required on the subject, and that the committee be discharged from the further consideration of the same.

The report was concurred in.

Leave being granted,

Mr. Reynolds, chairman of the committee on Claims, made the following report :

MR. PRESIDENT :

The committee on Claims, to whom was referred the memorial of the heirs of William Sill, have had the same under consideration, and have directed me to report that they have carefully examined the claim, and from the evidence, are satisfied that there is a just claim in favor of said heirs, of at least three thousand dollars.

Your committee procured all the evidence in their reach, and the following facts were established :

William Sill entered into a contract with Morehead, Hall, & Co., for the delivery of a large amount of timber at the mouth of the Wea, on the Wabash & Erie Canal, after a small amount of timber had been delivered to said Morehead, Hall & Co., Col. Lucas, the

agent, thinking the said Morehead, Hall & Co. were not prosecuting their contract as they should, discharged them, received the timber for the use of the State, and exercised entire control of it.

The original claim amounted to about seven thousand dollars, but your committee were satisfied that some of the timber had been delivered to Morehead, Hall & Co., before the State took control of it. They concluded to put the amount down even lower than they believed to be entirely just. William Sill, in his life time, presented his claim to the State, and the Committee on claims at the session of 1845-6, agreed to it, but Mr. Sill took sick here at the time, and died soon after he arrived home; and in the hurry of business at the close of the session the bill failed to pass.

Thomas Dowling, Canal trustee, who was also one of the committee on claims the session above referred to, as well as Mr. Coffin, and others, were before the committee, and they as well as others, testified to the correctness and justness of the claim.

Your committee respectfully ask that the claim be allowed in the specific appropriation bill.

The report was concurred in.

Leave being granted,

Mr. Robinson, from a select committee, made the following report:

**MR. PRESIDENT:**

The select committee, to whom was referred Senate bill No. 96, an act requiring railroads to be fenced, and providing compensation for stock killed or injured on such roads, and to repeal all laws in conflict, and coming within the purview of this act, have had the same under consideration, and have directed me to report the following amendment, and when so amended they recommend its passage.

Sec. 1. That the third section of an act entitled "an act to provide compensation to the owners of animals killed or injured by the cars, locomotives, or other carriages of any railroad in this State," be, and the same is hereby repealed.

Sec. 2. The provisions of this act shall not apply to, or in any manner affect any case or proceeding now pending or heretofore tried.

Sec. 3. Whereas an emergency exists for the passage of this act, it is hereby declared to take effect from and after its passage and publication in the Indiana State Sentinel, State Journal, and Republican.

Pending the concurrence in the report of the committee, the special order,

Senate bill No. 128. A bill to provide for a general and uniform system of common schools, and school libraries, and matters prop-



erly connected therewith, and to repeal all former laws inconsistent therewith,

Was taken up.

On motion by Mr. Hendry,

The bill was considered as engrossed, and read a third time.

On motion by Mr. Shook,

The vote by which the bill was ordered to be engrossed,

Was reconsidered.

Mr. Brookshire offered the following amendment :

In sec. 14, line 8, amend so as to strike out the word "six" and insert the word "two."

Which was not adopted.

Mr. Tarkington moved to amend as follows :

Insert at the close of the first section, as follows: *Provided*, that the tax aforesaid shall not be levied and collected from negroes and mulattoes, nor shall the children of such be included in any enumeration required by this act, nor entitled to the benefit thereof.

Also,

Strike out in 1st line of sec. 10, the word "civil and insert "congressional." Strike out in 6th line of the same section, the words "one dollar," and insert "25 cents." Insert at the end of the same section, as follows: "The county commissioners of each county are required to conform the civil townships to the congressional townships, as far as may be practicable."

Strike out in first line of thirteenth section, the words, "the township treasurer in each township," and insert as follows: "They shall annually appoint one of their own body as treasurer, who."

Strike out in the 4th line, 17th sec., the words "and thirteen."

Strike out in 3d line, 33d sec., the words "township trustees" and insert "county auditor." Insert in 3d line, same section, after the word "affairs," "and levy a tax for the same, according to sec. 10 of this act."

Strike out section 34.

Which were adopted.

Mr. Jackson of Tipton, moved to "strike out all that relates to township libraries" (from section 37 to 44, inclusive.)

Which was adopted.

On motion by Mr. Spann,

Sections 86 and 95 were stricken out.

On motion by Mr. Shook,

All after the word "public business" in line 3, sec. 85, was stricken out.

Mr. Brookshire offered the following amendment :

That section 22 be stricken out.

Sec. 23 be amended to read as follows: "The board doing township business, shall, on or before the first day of October in each year, furnish to the county auditor, who shall, on or before the fif-

teenth day of October in each year, furnish to the State Superintendent a condensed report of the same, a full report of their proceedings, stating the number of schools in the township so far as the same can be ascertained, with the number of pupils, their ages and sex, and branches taught, and the average wages of teachers.

Which was not adopted.

On motion by Mr. Jackson of Tipton,

In sec. 1, third line, "twenty" was stricken out, and "ten" inserted.

Mr. Shields moved to insert the following, as section 34 :

Such board shall have power to allow their clerk and treasurer a reasonable compensation for any duties enjoined upon them by this act.

Which was adopted.

Mr. Brookshire offered the following amendment :

Line 6th and 7th in sec. 32, be so amended "that said township or district trustees shall be allowed one dollar per day for every day necessarily engaged in taking the enumeration, procuring teachers, superintending the repairs of school houses, and providing fuel, &c.

Which was not adopted.

On motion by Mr. Tarkington,

Section 88 was stricken out.

Mr. Hawthorn moved to reconsider the vote, whereby sections "from 37 to 44, inclusive," were stricken out.

Which was not agreed to.

On motion by Mr. Rugg,

The bill was recommitted to committee on the Judiciary, with the following instructions :

Commit to Judiciary committee with instructions to inquire whether this bill to the extent of the tax on property and polls, is not one for raising revenue. If so, whether it does not conflict with the 17th section of the 4th article of the constitution, which provides that bills for raising revenue shall originate in the House of Representatives.

Leave being granted by unanimous consent,

Mr. Witherow introduced

Senate bill No. 188. An act to amend section 99, of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, and to better provide for the collection of delinquent taxes."

Which was read a first time and passed to a second reading.

By unanimous consent,

Mr. Vandevanter introduced,



Senate bill No. 189. A bill to repeal the law fixing the time of holding courts in the 7th Judicial circuit, and fixing the time of holding courts in said circuit.

Which was read a first time and passed to a second reading.

Leave being granted,

Mr. Vandevanter, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred House bill No. 100. "A bill to amend section 540, of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, and to provide for changing the docketing justices' judgments from the execution to the judgment docket of the court of common pleas," have had the same under consideration, and have directed me to report it back without amendment and recommend its passage.

The report was concurred in, and the bill ordered to a third reading.

On motion by Mr. Anthony,

House bill No. 167. A bill to amend the 6th section of an act entitled "an act to provide for the election of reporter, and a speedy publication of the decisions of the Supreme Court, and for the compensation of such reporter," approved February 5, 1852,

Was taken from the files and a read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Slater, Suit, Tarkington, Vandevanter, Williams, Wilson and Witherow—40.

Mr. Shields voting in the negative.

So the bill passed.

On motion by Mr. Anthony,

The title of the bill was amended so as to read, "to amend 5th and 6th sections."

*Ordered,* That the Secretary inform the House thereof.

Leave being granted,

Mr. Reynolds, chairman of the committee on Claims, made the following report:

MR. PRESIDENT :

The committee on Claims, to whom was referred the claim of Wm. A. Porter, for serving as prosecuting attorney in a certain case therein named, have directed me to report it back, and recommend that the sum of twenty-five dollars be allowed to him for said services, and ask that it be allowed in the bill of specific appropriations.

The report was concurred in, and the claim referred to the committee on Finance.

On motion by Mr. Sage,

Senate bill No. 180. A bill supplemental to and amendatory of an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in cases therein named, and for the suppression of intemperance."

Was taken from the table.

Mr. Helm moved to amend the bill as follows :

Amend by striking out all that relates to the manufacturing and selling of cider and wine in section 1st.

And also,

Strike out of section 2nd, the words "two years," and insert "one year."

Which was not adopted.

Mr. Jackson of Tipton moved to amend by striking out from the enacting clause, and inserting the following :

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the manufacture of alcohol and exporting the same from the State, by any person having been duly licensed, and having filed a bond as required by an "act entitled an act," approved Feb. —, 1855, shall not be construed to be in violation of said act, or the bond of such manufacturer.

Sec. 2. As it is proper that the above named act should receive a proper construction, it is hereby declared that an emergency exists, and that this act shall take effect and be in force, on and after the twelfth day of June, 1855.

Which was not adopted.

On motion by Mr. Freeland,

The blank in the bill was filled with "one."

Mr. Griggs moved to amend by adding the following Sections:

Sec. 3. *Be it further enacted*, That an act entitled "an act to regulate the retailing of spirituous liquors, and for the suppression of evils arising therefrom," approved March 4th, 1853, be, and the same is hereby repealed.

Sec. 4. All licenses granted for the sale of spirituous or intoxicating liquors, after the passage and taking effect of this act, is hereby declared to be null and void, except as is mentioned in the act to which this is supplemental, but all offences against said law, shall be punished as if said law had not been repealed.

Sec. 5. Whereas, in the opinion of the General Assembly, an emergency exists for the immediate taking effect of this act, to the end that the traffic in intoxicating liquors may be suppressed, it is further enacted as aforesaid, that this act shall take effect and be in force from and after its passage.

On motion by Mr. Slater,

The amendment was laid on the table, and the bill ordered to be engrossed.

A message from the House, by Mr. Levering, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed enrolled bill of the House No. 94, and bring the same to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

Mr. Hostetler, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills, have this day presented to the Governor for his signature, Senate bill No. 87, an act amending section 11 of chapter 31 of the Revised Statutes of 1852, relative to the making out and furnishing to the several inspectors of elections, poll-books, tally-papers, and providing compensation for said services.

Mr. Hostetler, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the enrolled with the engrossed copy of Senate bill No. 148, a bill to amend the 238th section of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms, in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a more uniform mode of pleading and practice, without distinction between law and equity, approved June 18th, 1852, and to provide that county auditors and

treasurers, shall be competent witnesses, in suits now pending or hereafter to be commenced in relation to the surplus revenue, and the school and trust funds, and find the same correctly enrolled.

Mr. Hostetler, from the joint committee on enrolled bills, made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills have this day presented to the Governor for his signature, Senate bill No. 148, a bill to amend the 238th section of an act entitled an act to revise, simplify, and abridge, the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18th, 1852, and to provide that county auditors and treasurers shall be competent witnesses in suits now pending or hereafter to be commenced, in relation to the surplus revenue and the school and trust funds.

A message from the Governor, by Mr. King, Executive Messenger :

MR. PRESIDENT :

I am directed by the Governor to inform the Senate that he has approved and signed the following bills :

No. 84. An act amending section 11 of chapter 31, of the Revised Statutes of 1852, relative to the making out and furnishing to the several inspectors of elections, poll-books, tally-papers, &c , and providing compensation for said services.

No. 148. An act to amend the 238th section of an act entitled an act to revise, simplify, and abridge, the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18th, 1852, and to provide that county auditors and treasurers shall be competent witnesses in suits now pending or hereafter to be commenced, in relation to the surplus revenue and the school and trust funds.

Which bills originated in the Senate.

On motion by Mr. Slater,  
The Senate adjourned.



WEDNESDAY MORNING, 9 o'clock, }  
February 28th, 1855. }

The Senate met.

On motion by Mr. Meeker,

The reading of the Journal of yesterday was dispensed with.

#### PETITIONS, MEMORIALS, AND REMONSTRANCES.

By Mr. Crouse,

A petition on the subject of allowing tobacco to convicts in the State Prison.

Referred to the committee on States Prison.

By Mr. Burke.

A petition from the citizens of Wayne county, on the subject of school libraries, &c.

Referred to the committee on county and township business.

#### REPORTS FROM COMMITTEES.

Mr. Mansfield, chairman of the committee on roads, made the following report:

MR. PRESIDENT:

The committee on Roads, to whom was referred Senate bill No. 162, have had the same under consideration, and have directed me to report the same to the Senate, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Shook, from the committee on Banks, made the following report:

MR. PRESIDENT:

The committee on Banks, to whom was referred House bill No. 93, a bill to amend "an act to authorize the business of general banking," have had the same under consideration, and directed me to report the same back to the Senate, with sundry amendments, after the adoption of which, they respectfully recommend its passage.

In sec. 4, 19th line, strike out "one sixth," and insert "one twentieth."

In sec. 6, line 25, strike out "eighteen" and insert "ten." In same sec., line 33, strike out "eight" and insert "six." In same sec., line 10, strike out "twenty-five" and insert "ten."

Add to sec. 17: "Provided, however, that the provisions of this section, shall not apply to the banks now in existence, respecting the number of stockholders."

In sec. 18, after the words "the place," insert, "and which shall not contain less than one thousand inhabitants."

Strike out section 34.

In sec. 40, strike out the word "alone," in line 10.

Add the following section in the proper place:

Sec. —. Each bank instituted under the provisions of this act, and each bank now in existence instituted under the provisions of said amended act, shall, upon its compliance with the provisions of this act, appoint an agent who shall keep an office in the city of Indianapolis for the redemption of the circulating notes of such banks, either in coin or exchange upon the city of New York, at the option of such bank: *Provided*, however, that such circulating notes may be redeemed at such agency in coin, at a rate of discount not exceeding one per cent., and if in exchange, at a rate not exceeding the current rate of exchange at the time upon New York.

Sec. —. Such agent shall be appointed in writing, a certificate of which shall be filed in said Banking Department, which shall cause a list of the agents appointed under this act, to be published in one of the daily newspapers of Indianapolis.

Sec. —. Each bank whose agent shall for the space of ten days, refuse to redeem its notes as aforesaid, may be proceeded against by the Banking Department, upon the protest in the same manner as herein provided, upon a refusal to pay coin at the bank.

Strike out sec. 49, and insert as follows:

Sec. 49. Every bank or banking association, organized under the provisions of the general banking law of this State, may, in case it shall, immediately after the passage of this act, pay all its circulating notes in coin upon demand, have until the first day of March, 1857, to wind up, or accept the provisions of this act: *Provided*, that the Auditor shall, in no case issue any circulating notes to any bank, until it shall fully have complied with the provisions of this act; and *Provided further*, that if any bank shall fail to pay its circulating notes in coin, it shall be wound up and closed by the Auditor, pursuant to the provisions of this act.

Insert in the proper places, the following sections:

Sec. —. The Auditor of State shall give bond with security, in the sum of twenty-five thousand dollars, and the Treasurer of State shall give bond with security, in the sum of fifty thousand dollars, payable to the State of Indiana, conditioned for the faithful performance of their respective duties under this act, which bonds and security shall be approved by the Governor, and his approval shall be endorsed on the bonds, which shall then be placed by him in the office of the Secretary of State, who shall file and deposit them in



his office, and suit may be brought thereon for the use of any person or persons, or banking association, which may be injured by any breach of duty on the part of said Auditor or Treasurer, in relation to any duties required of them respectively by this act.

Sec. —. The Auditor shall receive a salary of fifteen hundred dollars, and the Treasurer of State shall receive eight hundred dollars salary in addition to all other fees and salaries, for the performance of all the duties required of them by this act, which salaries shall be paid out of the State Treasury; which amount shall be repaid to said Treasury by the banks, in the form of a fee of one cent on each bill for circulation signed by the Auditor; and if said fee does not amount to a sum sufficient to repay the same, the residue shall be apportioned equally amongst the banks, and retained out of their interest on their bonds, unless otherwise paid by the respective banks, upon being duly informed of the amount thereof.

Sec. —. A majority of all the stock of each of the banks to be established under this act, shall be owned at all times by resident citizens of this State, and, before issuing to any association, to be established under this act, any of its notes, the Auditor shall ascertain, to his satisfaction, that a majority of such stock is so owned, and, for that purpose, shall be authorized to require the affidavit of one or more of such owners to that effect.

Sec. 16. Any bank or banking association organized under the general banking law of this State, or hereafter to be organized, desiring to go into liquidation for the purpose of closing business, shall give public notice of that fact in two newspapers at Indianapolis, and in one published at the place nearest to the place where such bank or banking association is located, and the Auditor thereupon, shall receive and cancel all the issues of such bank or banking association, that may from time to time be presented by such association to him. And for every one hundred dollars thus canceled, he shall certify the same to the Treasurer, who shall surrender to such bank or banking association, the amount of stock deposited to secure the same, as often as such notes shall have been received and canceled in sums large enough to cover the value of any one or more of the securities in the hands of the Treasurer; *Provided*, that the Treasurer on so surrendering such securities, shall deliver to such bank or association, securities not exceeding in value a fair average of those deposited by such bank or association as near as may be, and at the expiration of two years after such bank or banking association has given the notice required in this section, including a notice to all holders of its notes in circulation, to present them at said bank for payment, the Treasurer shall surrender to such bank or association, all its stocks or securities remaining deposited in his office. If such bank or association shall file a bond or undertaking signed by all the owners, of its stock, or a bond signed by any stockholder with security to be approved by the Auditor, conditioned for the prompt payment on demand, of all of its outstanding notes, if any such notes remain unpaid.

Insert in the proper place,

Sec. 17. Every bank organized under the provisions of this act, or the one to which this is an amendment, which shall have accepted the provisions of this act, shall mutually accept the circulation of each other, when offered or tendered by any person in payment of any debt or obligation.

On motion by Mr. Shook,

A call of the Senate was ordered.

The Secretary proceeded to the call when the following Senators answered to their names:

Messrs Alexander, Anthony, Barnett, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Glazebrook, Griggs, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Reynolds Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Wilson, Witherow and Woods—41.

The absentees were sent for; and all of them appearing within the bar of the Senate, except Senators Freeland and Helm,

On motion by Mr. Harris,

The further call was suspended.

The question being, on concurring in the report of the committee,

The ayes and noes were demanded by Senators Shields and Vandevanter.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Glazebrook, Griggs, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mathes, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Suit, Tarkington, Weston, Williams, Wilson and Woods—35.

*Those who voted in the negative were,*

Messrs. Barnett, Bearss, Cutshaw, Ensey, Freeland, Helm, McCleary, Mansfield, Meeker, Shields, Slater, Spann, Vandevanter and Witherow—14.

So the report was concurred in.

The question being, on ordering the bill to a third reading,

The ayes and noes were demanded by Senators Shields and Barnett.

*Those who voted in the affirmative were,*

Messrs. Anthony, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Mathes, Meeker, Richardson of St. Joseph, Robinson, Rugg, Sage, Shook, Suit, Vandevanter, Weston, Williams, Wilson, and Woods—36.

*Those who voted in the negative were,*

Messrs. Alexander, Barnett, Bearss, Cutshaw, Hostetler, McCleary, Mansfield, Richardson of Spencer, Shields, Slater, Spann and Witherow—12.

So the bill was ordered to a third reading.

Mr. Harris moved to further suspend the rules, and read the bill a third time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Burke, Chapman, Combs, Crouse, Cutshaw, Ensey, Freeland, Glazebrook, Harris, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Vandevanter, Weston, Williams, Wilson and Woods—34.

*Those who voted in the negative were,*

Messrs. Alexander, Barnett, Brookshire, Crane, Cravens, Drew, Griggs, Hostetler, Mansfield, Slater, Spann, Suit, and Tarkington—13.

So the rule was suspended, and the bill read a third time.

Mr. Shields moved to re-commit with instructions to amend the bill as to secure the bill holder, by a deposit of at least \$125 for every \$100 issued.

The ayes and noes were demanded by Senators Shields and Anthony.

*Those who voted in the affirmative were,*

Messrs. Barnett, Bearss, Brookshire, Cutshaw, Ensey, Glazebrook, Hendry, Hostetler, Mansfield, Mathes, Reynolds, Robinson, Sage, Shields, Shook, Slater, Spann, Vandevanter, Witherow and Woods—20.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Freeland, Griggs, Harris, Hawthorn, Helm, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Suit, Tarkington, Weston, Williams and Wilson—29.

So the bill was not re-committed with instructions.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—43.

*Those who voted in the negative were,*

Messrs. Barnett, Bearss, Cutshaw, Hostetler, Shields and Spann—6.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Mr. Richardson of Spencer, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred House bill No. 121, a bill for the re-location of county seats, have had the same under consideration and have instructed me to report the same back without amendment and recommend its passage.

The report was concurred in.

Mr. Jackson of Tipton offered the following amendment:  
Strike out "three-fifths," and insert "two-thirds."

Which was adopted.

And the bill ordered to a third reading.

Leave was granted,

Mr. Shook, from the committee on county and township business, made the following report:



MR. PRESIDENT :

The committee on county and township business, to whom was referred Senate bill No. 169. A bill to provide for the change of county lines, have had the same under consideration and directed me to report it back, and recommend that it be layed upon the table.

The report was concurred in, and the bill laid on the table.

Mr. Drew, from the committee on Finance, made the following report :

MR. PRESIDENT :

The committee on Finance, to whom was referred Senate bill No. 118, entitled a bill to provide for the appraisement of real property and prescribing the duties of officers in relation thereto, have had the same under consideration, and have instructed me to report it back to the Senate, and recommend its passage.

The report was concurred in, and the bill considered as engrossed. The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Burke, Crouse, Drew, Freeland, Griggs, Hawthorn, Parker, Richardson of St. Joseph, Richardson of Spencer, Suit, Tarkington, Vandevanter, Wilson, and Witherow—14.

*Those who voted in the negative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Brown, Chapman, Combs, Crane, Cravens, Ensey, Glazebrook, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Reynolds, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Weston, Williams, and Woods—33.

So the bill did not pass.

Leave being granted,

Mr. Tarkington, chairman of the committee on Education, made the following report :

MR. PRESIDENT :

The committee on education, to whom was referred Senate bill No. 185, authorizing county commissioners to rent seminary property in certain cases, have had the same under consideration, and have directed me to report the same back, and recommend its passage.

The report was concurred in.



Mr. Parker moved to suspend the rule, and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightly, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Robinson, Rugg, Sage Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—45.

No Senator voting in the negative.

So the rules were suspended, and the bill read a third time,  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Robinson, Rugg, Sage, Shields, Shook, Slater, Suit, Tarkington, Vandevanter, Weston, Wilson Witherow and Woods—43.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Leave being granted,

On motion by Mr. Suit,

House bill No. 77. A bill to fix the time of holding the courts of common pleas, and the length of the terms thereof in the several counties of this State, and repealing the former laws in reference thereto,

Was taken from the table.

On motion by Mr. Suit,

And by unanimous consent of the Senate, the bill was amended as follows:

The courts in the county of Carroll shall be held on the 2d Mondays in June, September, and December, and sit two weeks if the business should require it, and in the county of Clinton on the Mondays succeeding the courts in the county of Carroll, and shall sit two weeks if the business require it: *Provided*, that the first terms

of said courts under this act, the court in the county of Carroll shall commence on the first Monday in April, and in the county of Clinton on the third Monday in April.

On motion by Mr. Cravens,

And by unanimous consent of the Senate, the bill was amended as follows :

Change the time of holding the court in the county of Jefferson, from the third Mondays in February, May, August and November, to first Mondays in same months.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Freeland, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Suit, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—44.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

On motion by Mr. Witherow,

House bill No. 146. A bill to authorize commissioners of the sinking fund, to adjust the unsettled accounts between the State of Indiana, and the Merchants' Bank of New York, and to pay the balance that may be due with interest ;

Was taken from the table.

The question being, shall the bill pass ?

*Those who voted in the affirmative were.*

Messrs. Alexander, Anthony, Barnett, Brown, Burke, Chapman, Combs, Crane, Cravens, Drew, Griggs, Hosbrook, Jackson of Madison, Jackson of Tipton, Parker, Robinson, Rugg, Sage, Shields, Suit, Vandevanter, Wilson, Witherow and Woods—25.

*Those who voted in the negative were.*

Messrs. Bearss, Brookshire, Cutshaw, Ensey, Freeland, Glazebrook, Hawthorn, Helm, Hendry, Hostetler, Kightley, Mansfield, Mathes, Meeker, Richardson of St. Joseph, Richardson of Spencer, Shook, Slater, Weston and Williams—20.

So the bill did not pass for the want of a constitutional majority.

On motion by Mr. Griggs,  
The vote on the passage of House bill No. 77, was reconsidered.

On motion of Mr. Griggs,  
And by unanimous consent of the Senate the bill was amended  
as follows:

Amend fifty-third paragraph—In the county of Morgan on the  
second Mondays in January, April, July and October, and shall sit  
two weeks at each term.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown,  
Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew,  
Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Helm, Hendry,  
Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton,  
Kightley, Mansfield, Mathes, Meeker, Reynolds, Richardson of St.  
Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields,  
Shook, Slater, Suit, Vandevanter, Weston, Williams, Wilson,  
Witherow and Woods—45.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

#### UNFINISHED BUSINESS.

The question pending on yesterday, being in concurring in the  
report of Mr. Robinson, from a select committee on Senate bill No.  
96. A bill requiring railroads to be fenced, and providing compen-  
sation for stock killed or injured on such roads, and to repeal all  
laws in conflict, and coming within the purview of this act.

Mr. Slater moved to indefinitely postpone the bill and pending  
report.

The ayes and noes were demanded by Senators Slater and Shields.

*Those who voted in the affirmative were,*

Messrs. Barnett, Bearss, Brookshire, Chapman, Crouse, Cutshaw,  
Drew, Glazebrook, Hostetler, Mansfield, Mathes, Meeker, Richard-  
son of St. Joseph, Richardson of Spencer, Sage, Shields, Shook,  
Slater and Witherow—19

*Those who voted in the negative were,*

Messrs. Brown, Burke, Combs, Crane, Cravens, Ensey, Freeland,  
Griggs, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Madison,

Jackson of Tipton, Kightley, Meeker, Parker, Reynolds, Robinson, Rugg, Suit, Vandevanter, Weston, Williams, Wilson, and Woods—20.

So the bill and report were not indefinitely postponed.

The report of the committee was concurred in, and amendments adopted.

Mr. Shields offered the following amendment, which reads as follows :

Sec. 3. "If the defendent shall appeal from such judgment and shall not reduce the damages assessed, twenty-five per cent, the appellate court shall give judgement for double the amount of damages assessed in such appellate court, and a docket fee of five dollars," be and the same is hereby made to read as follows :

Sec. 3. If the defendent shall appeal from such judgment, the appellate court shall give judgment for the amount of damages assessed in such appellate court, and a docket fee of five dollars.

Which was adopted, and the bill ordered to be engrossed.

On motion by Mr. Hawthorn,

*Resolved*, That the committee on county and township business, enquire into the expediency of abolishing the offices of township clerk and treasurer, and provide by law that two of the three trustees be required to officiate as such clerk and treasurer, and report by bill or otherwise.

#### JOINT RESOLUTIONS INTRODUCED.

By unanimous consent,

Mr. Rugg introduced

Joint resolution No. 10. A joint resolution to distribute to Allen county, fifty copies Revised Statutes,

Which was read a first time, and passed to a second reading.

Leave being granted,

Mr. Reynolds, chairman of the committee on Claims, made the following report :

MR. PRESIDENT :

The committee on Claims, to whom was referred a claim of Jas. Nesbitt and Henry Pierce, for the apprehending and lodging in jail of Dearborn county, Ia., one Nicholas Evans, charged with the murder of Wm. Wells, have had the same under consideration, and have directed me to report it back, and ask that the sum of one hundred dollars be allowed them in the bill of specific appropriations.

The report was concurred in, and the claim referred to the committee on Finance.

Leave being granted,  
Mr. Reynolds, chairman of the committee on Claims, made the following report :

MR. PRESIDENT :

The committee on Claims, to whom was referred a claim of Delany R. Eckles, for services rendered the State as attorney in a certain case therein named, have directed me to report it back, and ask that he be allowed one hundred dollars, in the bill of specific appropriations.

The report was concurred in, and the claim referred to the committee on Finance.

Leave being granted,  
Mr. McCleary, chairman of the committee on Finance, made the following report :

MR. PRESIDENT :

The committee on Finance, to whom was referred House bill No. 212, entitled "a bill to raise a revenue for State purposes for the years 1855 and 1856," have had the same under consideration, and have instructed me to report the said bill back without amendment, and recommend its passage.

The report was concurred in.

Mr. Bearss moved to amend the bill by striking out "20" and inserting "15."

Which was not adopted.

The bill was ordered to a third reading.

Leave being granted,  
On motion by Mr. Tarkington,

*Resolved*, That the door-keeper be instructed to furnish the Senators and Secretaries with a sufficient amount of post-office stamps, till the close of the session.

Leave being granted,  
Mr. Jackson of Tipton, presented a petition from six citizens of Tipton county, on the subject of township libraries and circuit superintendents.

Referred to the committee on Education.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Cravens introduced



Senate bill No. 190. A bill providing for the protection of game, fixing the time of killing the same, and fixing the penalty for a violation of this act.

Which was read a first time.

Mr. Cravens moved to suspend the rule, and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Griggs, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Tipton, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Slater, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—41.

No Senator voting in the negative.

So the rules were suspended, and the bill read a second time by its title; and

Referred to a select committee consisting of Senators Cravens, Bearss, and Suit.

On motion by Mr. Jackson of Tipton,  
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

#### ORDERS OF THE DAY.

#### *Senate Bills on Second Reading.*

No. 170. A bill to provide for incorporating medical societies, and for the promotion and diffusion of correct medical knowledge.

Was read a second time, and ordered to be engrossed.

No. 171. A bill to regulate conductors and engineers of railroads, requiring them to run to time tables, and penalty upon failing so to do.

Was read a second time, and

On motion by Mr. Jackson, of Tipton,

Referred to a select committee consisting of Senators Jackson of Tipton, Shields, Griggs, Spann and Slater.

No. 172. A bill for the relief of county treasurers in the several counties in this State, and providing that the State Treasurer shall receive the depreciated state stock money which has been collected in good faith by county treasurers, as the same was received by said treasurers for taxes.

Was read a second time, and

On motion by Mr. Hawthorn,

Referred to the committee on Finance.

No. 173. A bill to increase the compensation of judges of the circuit courts, and to repeal all laws now in force fixing the same.

Was read a second time, and

On motion by Mr. Slater,

Referred to the committee on the Judiciary.

No. 174. A bill authorizing plank road, turnpike road, and McAdamized road companies, to close up their business and dissolve their organization.

Was read a second time, and

On motion by Mr. Anthony,

Referred to the committee on Corporations.

Senate bill No. 181. A bill to repeal an act to prevent railroad companies from changing their depots on conditions therein named.

Was read a second time, and

Referred to the committee on Federal Relations.

No. 183. A bill to require the Governor to publish monthly lists of appointments to offices, pardons granted, and fines and forfeitures remitted by him.

Was read a second time and ordered to be engrossed.

Senate bill No. 188. A bill to amend sec. 99 of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real estate, county treasurers and auditors, and of the Treasurer and Auditor of State, and to better provide for the collection of delinquent taxes.

Which was read a second time.

The bill was considered as engrossed.

Mr. Witherow moved to suspend the rule, and read the bill a third time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Grigge, Helm, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Vandevanter, Weston, Wilson, Witherow and Woods—40.

No Senator voting in the negative.

So the rule was suspended, and the bill read a third time.  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Glazebrook, Hawthorn, Helm, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—40.

Messrs. Barnett, Hendry, Shook, and Slater, voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 189. A bill to repeal the law fixing the times of holding courts in the 7th judicial circuit, and fixing the times of holding courts in said circuit.

Was read a second time.

The bill was considered as engrossed.

Mr. Vandevanter moved to suspend the rule, and read the bill a third time.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Burke, Combs, Crane, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow, and Woods—45.

S. J.—40.

No Senator voting in the negative.

So the rule was suspended, and the bill read a third time.  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—42.

Messrs. Hostetler, and Slater, voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

*House Joint Resolution on Second Reading.*

No. 9 A joint resolution in relation to the three per cent fund, and appointing the Governor to settle the same.

Was read a second time, and ordered to be engrossed.

*House Bills on Third Reading.*

No. 100. A bill to amend section 540, of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852, and to provide for changing the docketing justices judgments from the execution to the judgment docket of the court of common pleas.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—45.

Mr. Shields voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 105. A bill to amend section 22d of an act entitled "an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties," approved June 11, 1852.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Ensey, Glazebrook, Hawthorn, Helm, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mathes, Meeker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Suit, Tarkington, Vandevanter, Wilson, Witherow and Woods—35.

*Those who voted in the negative were,*

Messrs. Freeland, Hendry, Shields, Slater, Spann and Williams—6.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 154. A bill to cure defects in the execution of deeds, or in the certificate of acknowledgment, to conveyances of real estate in certain cases therein named.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Burke, Chapman, Combs, Crane, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Spann, Suit, Tarkington, Weston, Wilson, Witherow and Woods—42.



*Those who voted in the negative were,*

Messrs. Bearss, Shook, Slater, Vandevanter, and Williams—5.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

No. 157. A bill providing for an investigation of the affairs of the Madison and Indianapolis Railroad Company, authorizing a compromise therewith if deemed of advantage to the State, and providing for the payment of said company's floating and unfunded debt, and of certain debts of the Columbus and Shelby Railroad Company, and empowering said M. & I. R. R. Co. to receive, hold and transfer stock in the C. & S. R. R. Co.

Was read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Alexander, Barnett, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Hosbrook, Hostetler, Jackson of Tipton, Kightley, McCleary, Mansfield, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Spann, Suit, Tarkington, Vandevanter, Wilson and Woods—34.

*Those who voted in the negative were,*

Messrs. Bearss, Brookshire, Helm, Hendry, Jackson of Madison, Mathes, Meeker, Robinson, Shields, Shook, Slater, Williams and Witherow—13.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

### *Senate Bills on Third Reading.*

No. 180. A bill supplemental to, and amendatory of an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the cases therein named, and for the suppression of intemperance."

Was read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brown, Crane, Drew, Freeland, Glazebrook, Harris, Helm, Hostetler, Jackson of

Tipton, Kightley, McCleary, Mansfield, Mathes, Reynolds, Richardson of St Joseph, Richardson of Spencer, Robinson, Rugg, Shields, Shook, Slater, Spann, Suit, Tarkington, and Woods—29.

*Those who voted in the negative were,*

Messrs. Burke, Chapman, Combs, Cutshaw, Ensey, Hawthorn, Hendry, Hosbrook, Jackson of Madison, Meeker, Parker, Sage, Vandevanter, Williams, Wilson and Witherow—16

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 184. A bill to provide for the empanneling of juries when the Sheriffs shall fail to, or improperly empannel the same.

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Crouse, Cutshaw, Drew, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of Spencer, Robinson, Rugg, Shields, Shook, Spann, Suit, Tarkington, Williams, Witherow and Woods—39.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Leave being granted,

Mr. Jackson of Tipton, made the following report :

MR. PRESIDENT :

The select committee, to whom was referred Senate bill No. 171, have had the same under consideration, and have directed me to report the same back with the following amendment, and recommend its passage.

Strike out of the 1st section and ninth line, the words "freight train."

The report was concurred in, and the amendments adopted.

Mr. Jackson moved to suspend the rules, and read the bill a third time.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brown, Burke, Chapman, Combs, Cravens, Crouse, Drew, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Slater, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—42.

Messrs. Bearss, and Crane voting in the negative.

So the rules were suspended, and the bill read a third time.  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barnett, Bearss, Brookshire, Brown, Chapman, Freeland, Glazebrook, Harris, Hawthorn, Helm, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Richardson of Spencer, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—30.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Brookshire, Burke, Combs, Crane, Cravens, Drew, Freeland, Griggs, Hawthorn, Hendry, Hosbrook, Hostetler, Parker, Richardson of St. Joseph and Robinson—15.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Leave being granted,

On motion by Mr. Tarkington,

House bill No. 12, a bill to amend an act entitled "an act for the incorporation of Insurance Companies, defining their powers and prescribing their duties," approved June 17, 1852.

Was taken from the table.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Burke, Chapman, Combs, Crouse, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Mans-

field, Mathes, Meeker, Parker, Richardson of Spencer, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—36.

*Those who voted in the negative were,*

Messrs. Bearss, Brookshire, Crane, Cravens, Cutshaw, Hostetler, Richardson of St. Joseph and Robinson—8.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

On motion by Mr. Spann,

A recount was taken on the vote whereby House bill No. 146, a bill to authorize the commissioners of the sinking fund to adjust the unsettled account between the State of Indiana and the Merchants' Bank of the city of New York, and to pay \$5,716 90, due with interest,

Was lost for want of a constitutional majority.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brown, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Glazebrook, Harris, Hosbrook, Jackson of Tipton, McCleary, Reynolds, Richardson of St. Joseph, Rugg, Sage, Shields, Spann, Suit, Tarkington, Vandevanter, Weston, Wilson and Witherow—28.

*Those who voted in the negative were,*

Messrs. Burke, Freeland, Griggs, Hawthorn, Helm, Hendry, Hostetler, Jackson of Madison, Mansfield, Mathes, Meeker, Parker, Richardson of Spencer, Robinson, Shook, Slater, Williams, and Woods—17.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Leave being granted,

On motion by Mr. Slater,

Senate bill No. 102. A bill to provide for the public peace and private security, and to prevent conspiracies and combinations interfering with the free enjoyment of religious rights of citizens, and prescribing punishment therefor.

Was taken from the table.

On motion by Mr. Slater,

A call of the Senate was ordered.

The Secretary proceeded with the call, and the following Senators answered to their names :

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hostetter, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—50.

On motion,

The further call of the Senate was dispensed with.

The bill was read a third time.

Mr. Hendry moved to recommit with the following instructions :

Amend by adding the following section :

Sec. —. It is hereby made the duty of the Governor, to appoint three good and reputable citizens of the State, whose duty it shall be, as often as once in three months, to visit all nuneries and secret religious schools within the State, and set at liberty all persons therein restrained of their liberty against their will, who are under the age of 14 years, and all other persons who may express a desire to dissolve their connection with said nunery or secret religious organization. Parents and guardians shall at all times have free ingress and egress to visit their children or wards, that may be restrained in said nuneries and schools. Any person or persons who shall obstruct or hinder the free ingress or egress of said visitors or parents or guardians, to visit and freely converse with any or all the inmates of said nuneries or secret schools, and set them at liberty as is by this act provided, such person or persons so offending, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum not less than five hundred dollars, to which may be added imprisonment not exceeding six months.

Mr. Brown moved to lay the motion to recommit on the table.

The ayes and noes were demanded by Senators Slater and Hendry.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Drew, Freeland, Glazebrook, Hawthorn, Hosbrook, Hostetter, Jackson of Madison, Jackson of Tipton, Kightly, McCleary, Mansfield, Mathes, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shields, Shook, Slater, Spann, Tarkington and Woods—27.



*Those who voted in the negative were,*

Messrs. Bearss, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Ensey, Griggs, Harris, Helm, Hendry, Meeker, Parker, Robinson, Sage, Suit, Vandevanter, Weston, Williams, Wilson, and Witherow—23.

So the motion to recommit was laid on the table.

Mr. Sage moved to lay the bill on the table.

The ayes and noes were demanded by Senators Slater and Brown.

*Those who voted in the affirmative were,*

Messrs. Bearss, Burke, Chapman, Combs, Crane, Cravens, Crouse, Ensey, Griggs, Helm, Hendry, Meeker, Parker, Robinson, Sage, Suit, Vandevanter, Weston, Williams, Wilson, and Witherow—21.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Cutshaw, Drew, Freeland, Glazebrook, Harris, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shields, Shook, Slater, Spann, Tarkington and Woods—29.

So the bill was not laid on the table.

Mr. Brown moved the previous question.  
Which was seconded by the Senate.

Mr. Robinson moved the Senate adjourn.  
Which was not agreed to.

The question being shall the main question be now put?  
Which was agreed to.  
The main question being,  
Shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Chapman, Drew, Freeland, Glazebrook, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Reynolds, Richardson of St. Joseph, Rugg, Sage, Shields, Shook, Slater, Spann, Tarkington, Vandevanter, Wilson and Woods—33.

*Those who voted in the negative were,*

Messrs. Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Ensey, Griggs, Helm, Meeker, Parker, Robinson, Suit, Weston, Williams, and Witherow—16.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Mr. Sage moved to reconsider the vote just taken.

Mr. Anthony moved to lay the motion on the table.

The ayes and noes were demanded by Senators Parker and Sage.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Cutshaw, Drew, Glazebrook, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Knightley, McCleary, Mansfield, Mathes, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shields, Shook, Slater, Spann, Tarrington, Wilson and Woods—30.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Chapman, Combs, Crane, Cravens, Crouse, Ensey, Freeland, Griggs, Helm, Meeker, Parker, Robinson, Sage, Suit, Vandevanter, Weston, Williams, and Witherow—20.

So the motion to was laid on the table.<sup>m</sup>

Mr. Hostetler, from the joint committee on enrolled bills, made the following report :

MR. PRESIDENT:

The committee on Enrolled Bills have compared the enrolled with the engrossed copy of Senate bill

No. 6. A bill for the protection of the Sabbath, and providing penalties for the desecration thereof ;

Also,

No. 76. A bill to amend section 3, of an act entitled an act for the regulation of weights and measures, approved June 9, 1852 ;

Also,

No. 111. A bill for the incorporation of High Schools, Academies, Colleges, Universities, Theological Institutions and Missionary Boards ;

And find the same correctly enrolled.

A message from the House, by Mr. Levering, their Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate, that the House has concurred in engrossed amendment of the Senate to

House bill No. 167. Entitled, A bill to amend sections 5 and 6 of an act to provide for the election of a reporter, and the speedy publication of the decisions of the Supreme Court, &c.

I am also directed by the House to inform the Senate that the House has passed without amendment, the following engrossed bills of the Senate, to-wit:

Senate bill No. 88. A bill to amend the second section of an act entitled an act to incorporate the Ward Cotton Mill, approved February 15th, 1848, and increasing the capital stock thereof.

Also,

Senate bill No. 145. An act to extend the time of holding courts of common pleas in the county of Tipton, at its March term, 1855.

I am also directed by the House to inform the Senate that the House has passed without amendment engrossed bill of the Senate,

No. 130. A bill to authorize the re-transfer of settlements of decedents' estates, guardianships, petitions to sell land, and all other matters that have been transferred from the common pleas courts to the circuit courts on account of the judges of said common pleas being interested, back to said common pleas courts.

Mr. Hostetler, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the enrolled with the engrossed copy of Senate bill

No. 88. An act to amend the second section of an act entitled an act to incorporate the Ward Cotton Mill, approved February 15, 1848, and increasing the capital stock thereof;

Also,

No. 130. A bill to authorize the re-transfer of settlements of decedents' estates, guardianships, petitions to sell land, and all other matters that have been transferred from the common pleas courts to the circuit courts, on account of the judges of the said common pleas being interested back to said common pleas courts;

Also,

No. 145. An act to extend the term of holding courts of common pleas in the county of Tipton, at its March term, 1855;

And find the same correctly enrolled.

Mr. Hostetler, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills, have this day presented to the Governor for his approval, Senate bill

No. 88. An act to amend the second section of an act entitled an act to incorporate the Ward Cotton Mill, approved February 15, 1848, and increasing the capital stock thereof;

Also,

No. 130. An act to authorize the re-transfer of settlements of decedents' estates, guardianships, petitions to sell land, and all other matters that have been transferred from the common pleas courts to the circuit courts, on account of the judges of said common pleas being interested, back to said common pleas courts;

Also,

No. 145. An act to extend the term of holding courts of common pleas in the county of Tipton at its March term, 1855.

A message from the House, by Mr. Levering, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following bills of the Senate, to-wit:

Nos. 88, 130 and 145, and to bring the same to the Senate for the signature of the president thereof.

Whereupon the President signed the same.

A message from the House, by Mr. Levering, their clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate, that the Speaker has signed Senate bills,

Nos. 6, 76 and 111, and to bring the same to the Senate for the signature of the President thereof.

Whereupon, the President signed the same.

A message from the House, by Mr. Levering, their clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the Speaker has signed enrolled bills of the House,

Nos. 160 and 167, and bring the same to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

Mr. Hostetler, from the joint committee on enrolled bills, made the following report:

MR. PRESIDENT :

The joint committee on enrolled bills have this day presented to the Governor for his approval, Senate bill

No. 6. An act for the protection of the Sabbath, and providing penalties for the desecration thereof ;

Also,

No. 76. An act to amend section three of an act entitled, an act for the regulation of weights and measures, approved June 9, 1852 ;

Also,

No. 111. An act for the incorporation of High Schools, Academies, Colleges, Universities, Theological Institutions and Missionary Boards.

A message from the Governor, by Mr. King, Executive Messenger :

MR. PRESIDENT :

I am directed by the Governor to inform the Senate that he has approved and signed the following bills :

No. 6. An act for the protection of the Sabbath, and providing penalties for the desecration thereof.

No. 76. An act to amend section three of an act entitled, "an act for the regulation of weights and measures," approved June 9, 1852.

No. 111. An act for the incorporation of High Schools, Academies, Colleges, Universities, Theological Institutions and Missionary Boards.

Which bills originated in the Senate.

A message from the Governor, by Mr. King, Executive Messenger :

MR. PRESIDENT :

I am directed by the Governor to inform the Senate, that he has approved and signed the following bills :

No. 88. An act to amend the second section of an act entitled "an act to incorporate the Ward Cotton Mill," approved February 15, 1848, and increasing the capital stock thereof.

No. 130. An act to authorize the re-transfer of settlements of decedents' estates, guardianships, petitions to sell land, and all other matters that have been transferred from the common pleas courts to the circuit courts, on account of the judges of said common pleas being interested, back to said common pleas courts.



No. 145. An act to extend the time of holding courts of common pleas in the county of Tipton, at its March term, 1855.

Which bills originated in the Senate.

On motion by Mr. Slater,  
The Senate adjourned.

THURSDAY MORNING, 9 o'clock, }  
March 1st, 1855. }

The Senate met.

On motion by Mr. Anthony,  
The reading of the Journal of yesterday was dispensed with.

#### PETITIONS PRESENTED.

By Mr. Spann,

A petition from the citizens of Vernon concerning insurance companies;

Which was laid on the table.

#### REPORTS FROM COMMITTEES.

Mr. Shields, chairman of the committee on Finance, made the following report:

MR. PRESIDENT:

The committee on elections report the following allowance, in their opinion, proper to be made for the payment of expenses attending the case of the contested election of Isaac DeLong against Geo. McDowell, for a seat in the State Senate from the district of Huntington and Wells.

The following named gentlemen appeared as witnesses for the parties:

Names.	Attendance.	Residence.	Mileage.	Amount and Mileage.
John D. Fisher .....	3 days	10 m'ls f'm Huntington	\$26 40	\$35 40
Jno. J. Lewis.....	3 days	10 m'ls f'm Huntington	26 40	35 40
Michael Miller .....	2 days	Huntington.....	24 00	30 00
Bowen Hale.....	3 days	Bluffton .....	24 25	33 25
Joseph Wiley.....	3 days	Huntington.....	24 00	33 00
Joseph Che-ebro.....	3 days	Huntington.....	24 00	33 00
Samuel Tabon .....	3 days	Huntington.....	24 00	33 00
S. J. Johnson.....	3 days	Huntington.. ..	24 00	33 00
W. Morton.....	3 days	Huntington.. ..	24 00	33 00
Jno. Roche .....	3 days	Huntington.....	24 00	33 00
W. C. Smith.....	3 days	Huntington.....	24 00	33 00
Samuel Mill-ghan.....	3 days	Huntington.....	24 00	33 00

STATE OF INDIANA,

To Chas. G. Warner, Dr.

For Sheriff's assistance in the county of Huntington, in collecting ballots. ....	\$25 00
For Sheriff's assistance in the county of Wells.....	18 00
To Samuel Harkaway for similar services .....	6 00
To Mr. Purviance, of Huntington, for sleigh .....	4 00
Total .....	\$53 00
Personal expenses.....	\$40 00
To extra pay for services. ....	\$20 00

The report was concurred in, and the claims referred to the committee on Finance.

#### ORDERS OF THE DAY.

A message from the House, by Mr. Levering, their clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate, that the House has passed the following engrossed bill of the Senate. No. 46. A bill in relation to plank, McAdamized, tram and gravel road companies, with one engrossed amendment of the House thereto.

In which the concurrence of the Senate is respectfully requested.  
Also,

Senate bill No. 134. A bill to repeal section 50, chapter 10, of an act entitled "an act providing for the settlement of decedents estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and

certain forms to be used in such settlement," approved June 17th, 1852, with one engrossed amendment of the House thereto.

In which the concurrence of the Senate is respectfully requested.

Also,

Senate bill No. 138. A bill to fix the time of holding the circuit courts in the 9th judicial circuit, with one engrossed amendment of the House thereto

In which the concurrence of the Senate is respectfully requested.

The engrossed amendments of the House to engrossed bills of the Senate, Nos. 46, 134 and 138, contained in the foregoing message, were each concurred by the Senate.

*Ordered*, That the Secretary inform the House thereof.

A message from the House by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House to inform the Senate, that House has passed engrossed bill of the Senate, No. 115, entitled "a bill to prevent defalcations of certain officers therein named, and to provide penalties therefor," with the accompanying engrossed amendment of the House thereto.

In which the concurrence of the Senate is respectfully requested.

The engrossed amendment of the House to engrossed bill of the Senate, No. 115, contained in the foregoing message, was concurred in by the Senate.

*Ordered*, That the Secretary inform the House thereof.

A message from the House, by Mr. Levering, their clerk.

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed engrossed bill of the Senate No. 112, entitled "a bill appropriating \$5,000 per annum, for the purpose of colonization and to give additional power to the State Board of Colonization," with sundry engrossed amendments of the House thereto.

In which the concurrence of the Senate is respectfully requested.

The engrossed amendments of the House, to engrossed bill of the Senate, No. 112, were concurred in.

*Ordered*, That the Secretary inform the House thereof.

A message from the House by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed the following engrossed bill thereof, to-wit :

No. 88. An act to amend the 14th sec. of chap. 101, approved June 17th, 1852, entitled "an act to enable trustees to receive lands and donations, and convey the same for the use of the schools, churches, religious societies, &c., Masonic, and Odd Fellows' Lodges, Sons and Daughters of Temperance, and for the construction of cemeteries, houses of worship, or other buildings there-in mentioned.

In which the concurrence of the Senate is respectfully requested.

I am directed by the House to inform the Senate that the House has passed the following engrossed bill thereof, to-wit :

No. 66. A bill for the relief of Henry Wells, Treasurer of the county of Lake.

In which the concurrence of the Senate is respectfully requested

House bill No. 88, contained in the foregoing message,  
Was read a first time and passed to a second reading.

House bill No. 66, contained in the foregoing message,  
Was read a first time.

Mr. Anthony moved to suspend the rule, and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Shook, Slater, Suit, Tarkington, Vandevanter, Weston, Wilson, Witherow and Woods—41.

No Senator voting in the negative.

So the rules were suspended, and the bill read a second time by its title, and

On motion by Mr. Anthony,  
Referred to the committee on the Judiciary.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House to inform the Senate, that the House of Representatives has passed the following engrossed bills thereof :

No. 118. A bill to provide a site, system of government, and plans for the erection of a State House of Refuge, for the correction and reformation of Juvenile offenders.

Also,

House bill No. 176. A bill regulating the adoption of heirs.

Also,

House bill No. 197. A bill to prevent fraud in the sale of flour, pork, beef, &c.

Also,

House bill No. 199. A bill to repeal sections 2 and 3 of an act entitled "an act to regulate the retailing of spirituous liquors, and for the suppression of evils arising therefrom, approved March 4th, 1853, and declaring all licenses issued under said act null and void, from and after the 12th day of June next.

Nos. 118, 176, 197 and 199, contained in the foregoing message, were each read a first time and passed to a second reading.

A message from the House, by Mr. Levering, their clerk :

**MR. PRESIDENT :**

I am directed by the House to inform the Senate, that the House has concurred in engrossed amendments of the Senate to engrossed bill of the House

No. 93. Entitled, An act to amend an act to authorize and regulate the business of general banking ;

With one engrossed amendment of the House thereto.

In which the concurrence of the Senate is respectfully requested.

The engrossed amendment of the House to engrossed bill of the Senate No. 93, contained in the foregoing message,  
Was concurred in.

*Ordered*, That the Secretary inform the House thereof.

A message from the House, by Mr. Levering, their clerk :

**MR. PRESIDENT :**

I am directed by the House to inform the Senate, that the House have concurred in the engrossed amendments of the Senate to House bill No. 87. "A bill regulating the fees of officers, and repealing former laws in relation thereto," as follows :

The House has concurred in amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 17 and 18; and refused to concur in the following amendments, to-wit:—Nos. 11, 12, 13, 14 and 16.

In which the concurrence of the Senate is respectfully requested.

The Senate recessed from their 11th, 12th, 13th, 14th and 16th



engrossed amendments, to engrossed bill of the House No. 87, contained in the foregoing message.

*Ordered*, That the Secretary inform the House thereof.

A message from the House, by Mr. Levering, their clerk:

MR. PRESIDENT :

I am directed by the House to inform the Senate, that the House has adopted the following preamble and resolution :

WHEREAS, It has always been the usage of the General Assembly of the State of Indiana, to choose United States Senators, by a joint vote of the two Houses of said General Assembly;

AND WHEREAS, The only law, except such usage under which the Legislature of this State has acted for the last fifteen years, is the Statute of 1837, requiring such elections to be made by a *viva voce* vote;

AND WHEREAS, Section 13, of article 2, of the constitution of this State, prescribes that all elections by the General Assembly, or by either branch thereof, shall be by *viva voce* vote;

AND WHEREAS, Section 3 in article 1, of the constitution of the United States, declares that the Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six years, and each Senator shall have one vote;

AND WHEREAS, It is the opinion of the House of Representatives, that by the constitution of the United States and of this State, the manner of electing a Senator of the United States is sufficiently pointed out, "in the absence of any statute law providing for the same;"

AND WHEREAS, To attempt the election of a Senator of the United States by a concurrent resolution of the two Houses, is an unusual mode of selecting such officer, and unprecedented in this State, calculated to defeat the wishes of the people and a majority of their representatives;

AND WHEREAS, This House is of the opinion that it is an imperative duty, devolving on this Legislature to supply the place of Senator from this State, whose term in the Senate will expire on the 4th of March next; therefore,

*Resolved*, That the Senate be invited to meet the House of Representatives, in the Hall of the House, on to-morrow, Friday, at the hour of ten o'clock, A. M., for the purpose of electing by joint vote of the two Houses, a Senator of the United States to fill the vacancy aforesaid, and that the Senate be informed of the adoption of this resolution.

On motion by Mr. Brookshire,  
A call of the Senate was ordered.

The Secretary proceeded with the call, when the following Senators answered to their names:

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Shook, Slater, Spann, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—41.

On motion by Mr. Brown,

Mr. Robinson was excused on account of sickness.

On motion by Mr. Spann,

The further call of the Senate was suspended.

Mr. Slater moved that the resolution and subject matter thereof, be indefinitely postponed.

The ayes and noes were demanded by Senators Slater and Bearss.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Cutshaw, Drew, Glazebrook, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Reynolds, Richardson of Spencer, Rugg, Shields, Shook, Slater, Spann, Tarkington and Woods—25.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Chapman, Combs, Cravens, Crouse, Ensey, Freeland, Griggs, Harris, Hawthorn, Helm, Hendry, Meeker, Parker, Richardson of St. Joseph, Sage, Suit, Vandevanter, Weston, Williams, Wilson and Witherow—23.

So the resolution and subject matter was indefinitely postponed.

Mr. Shields moved to reconsider the vote just taken.

The ayes and noes were demanded by Senators Shields and Alexander.

*Those who voted in the affirmative were,*

Messrs. Barnett, Bearss, Brookshire, Burke, Chapman, Combs, Cravens, Crouse, Ensey, Freeland, Griggs, Harris, Hawthorn, Helm, Hendry, Meeker, Parker, Richardson of St. Joseph, Sage, Suit, Vandevanter, Weston, Williams, Wilson and Witherow—25.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Brown, Crane, Cutshaw, Drew,

Glazebrook, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Reynolds, Richardson of Spencer, Rugg, Shields, Shook, Slater, Spann, Tarkington, and Woods—24.

So the indefinite postponement of the resolution and subject matter thereof, was reconsidered.

The question being, to indefinitely postpone the resolution and subject matter thereof.

The ayes and noes were demanded by Senators Bearss and Suit.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brown, Cutshaw, Drew, Glazebrook, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Reynolds, Rugg, Shields, Shook, Slater, Spann, Tarkington and Woods—22.

*Those who voted in the negative were,*

Messrs. Barnett, Bearss, Brookshire, Burke, Chapman, Combs, Crane, Cravens, Crouse, Ensey, Freeland, Griggs, Helm, Hawthorn, Hendry, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Sage, Suit, Vandevanter, Weston, Williams, Wilson, and Witherow—26.

So the resolution and subject matter was not indefinitely postponed.

Mr Anthony moved to postpone the resolution and the subject matter thereof, until Saturday next, 9 o'clock, A. M.

The ayes and noes were demanded by Senators Bearss and Suit.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Crane, Cutshaw, Drew, Glazebrook, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shields, Shook, Slater, Spann, Tarkington and Woods—28.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Chapman, Combs, Cravens, Ensey, Freeland, Griggs, Harris, Helm, Hendry, Meeker, Parker, Sage, Suit, Vandevanter, Weston, Williams, Wilson and Witherow—20.

So the resolution and the subject matter thereof was so postponed.

A message from the House, by Mr. Levering, their clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate, that the House has passed the following engrossed bill thereof, to-wit:

No. 172. A bill to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof.

In which the concurrence of the Senate is respectfully requested.

Mr. Tarkington moved to suspend the rules, and read the bill a first time now by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Chapman, Combs, Crane, Crouse, Cutshaw, Freeland, Glazebrook, Griggs, Helm, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of Spencer, Rugg, Sage, Shields, Shook, Slater, Spann, Tarkington, Williams, Wilson, Witherow and Woods—39.

Mr. Suit voting in the negative.

So the rules were suspended, and the bill read a first time by its title;

Mr. Tarkington moved to suspend the rule, and read the bill a second time by its title,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brown, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Freeland, Griggs, Hawthorn, Helm, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Meeker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shook, Slater, Spann, Suit, Tarkington, Weston, Williams, Wilson, Witherow and Woods—38.

No Senator voting in the negative.

So the rules were suspended and the bill read a second time by its title.

Mr. Shields moved to amend as follows:

Amend by striking out all after the first section and insert the following:

Sec. 2. The funds heretofore known and designated, the surplus



revenue fund, the county common school fund, and all funds heretofore appropriated to common schools, the saline fund, the bank tax fund, shall, together with the fund which shall be derived from the sale of the county seminaries, and the property belonging thereto, from fines assessed for breaches of the penal laws of the State, and all forfeitures which may accrue, all lands and other estates which shall escheat to the State for want of heirs or kindred entitled to the inheritance, all lands which have or may hereafter be granted to the State, where no special purpose is expressed in the grant, and the proceeds of the sales thereof, including the proceeds of the sales of the swamp lands granted to the State of Indiana by the act of Congress of 28th September, 1850, and deducting the expenses of selecting and draining the same, the taxes which may from time to time be assessed upon the property of corporations for common school purposes, the fund arising from the one hundred and fourteenth section of the charter of the State Bank of Indiana, and unreclaimed fees as provided by law, shall be denominated the common school fund, the income of which, together with the taxes mentioned and specified in the first section of this act, shall be applied to the support of common schools.

Sec. 3. The several counties of this State shall be held liable for the preservation of said fund, and the payment of the annual interest thereon.

#### DISBURSEMENT AND APPORTIONMENT OF SCHOOL FUND.

Sec. 4. Each county auditor shall make out by the fourth Monday of March, annually, a report of the amount of school funds at that time in the hands of the county treasurer, arising from taxation, and from interest of the several school funds, deducting therefrom the incidental expenses, and the amount of interest arising from the proceeds of the sale of section sixteen, or other lands in lieu thereof, and transmit the same immediately to the State Superintendent.

Sec. 5. The State Superintendent shall, by the fourth Monday of April, annually, make out a statement showing the number of scholars of each county of the State, the amount of funds in the hands of county treasurers for distribution, and the proportional amount to which each county is entitled, and shall file the same with the Auditor of State, who shall forthwith arrange the necessary transfers among the counties.

Sec. 6. The State Superintendent shall, by the second Monday of May, annually, inform all county auditors of the sums to which their respective counties are entitled, and also the amount to be distributed to each of the incorporated cities, towns, and townships, of each county, according to the number of children in the same.

Sec. 7. County auditors and treasurers shall, on the third Monday of May, annually, make the annual distribution of said funds, according to such statement of said superintendent, upon the warrant of said auditor, by paying the same to the treasurers of incor-



porated cities, towns, and townships of their respective counties. They shall also at the same time, pay to said treasurers the proceeds of the congressional township fund as hereafter prescribed.

Sec. 8. The county auditor and treasurer shall have charge of the congressional township fund in their respective counties, and distribute the proceeds of the same, deducting therefrom, the necessary expenses of custody and distribution, to the officers aforesaid, for the benefit of the inhabitants of the congressional townships, to which such funds respectively belong.

Sec. 9. The proceeds of the congressional township fund or of the lands in lieu thereof, shall be distributed to the schools within the limits of their respective localities, but they shall work no exclusion from school of any scholar attached to the district who may live in the adjacent congressional township.

#### TOWNSHIP BOARD.

Sec. 10. Each congressional township in the several counties in this State, is hereby declared a township for school purposes, and the township board of education thereof is hereby constituted a body politic and corporate, with full powers to levy taxes for the purchase of sites for school houses, for the erection and repairing of such structures, the requisite furniture, apparatus, and fuel for the same: *Provided*, the taxes levied for such purposes shall not exceed 25 cents in one hundred dollars valuation of taxable property in any one year, the county commissioners of each county are required to conform the civil townships to the congressional townships, as far as may be practicable.

Sec. 11. The township board of education shall consist of three members, who shall be elected by the voters of each congressional township, for three years, at the annual township election on the first Monday of April; but those chosen at the first election shall be considered as elected for one, two, and three years respectively. Of those so elected, the person receiving the highest number of votes shall hold his office for three years, the person receiving the next highest number of votes shall hold his office two years, and the person receiving the next highest number of votes shall hold his office one year. In case of a tie, they shall determine by ballot which shall serve. Such elections shall in all respects be governed by the laws now in force providing for the election of township officers. In case of vacancy in the township board of education, either from death, resignation, refusal to serve, or any other cause whatever, such vacancy may be filled by appointment of the county auditor, and the person or persons so appointed, shall serve until the next annual election.

Sec. 12. Said board shall annually appoint one of their number as clerk, who shall record the proceedings of the board, and discharge such other duties as may from time to time be required of him.

Sec. 13. They shall annually appoint one of their own body as treasurer, who shall be treasurer of all funds for school purposes belonging to the township, and on his appointment and before entering upon the duties of his office, he shall give bond with sufficient security in double the probable amount of money that shall come into his hands in any one year, payable to the State of Indiana, for the benefit of the common school fund, to be approved by the township trustees, conditional for the faithful disbursement according to law, of all such funds as shall from time to time come into his custody, and for the forfeiture of such bond, it shall be the duty of the township clerk to prosecute and collect the same for the use of the schools in the township: if any such clerk shall refuse or neglect to prosecute, then any freeholder may cause such prosecution to be instituted.

Sec. 14. Such board shall take charge of the educational affairs of the township, employ teachers, visit the schools, either as a board or by one of their number, at least twice during the term thereof, locate the sites of the school houses if they have not been previously determined; superintend the erection of all school edifices, and having ascertained the preference of each citizen, as to the school house to which he wishes to send his children, shall settle the limits of the school district in accordance with such choice, and make a record of the same, which limits shall not be changed except for reasons satisfactory to the board, stated in writing six months previous to such change, and the board shall also perform all other educational duties hereinafter required of them.

Sec. 15. They shall on or before the 25th day of September in each year, make an enumeration of the children within their respective townships, between the ages of five and twenty-one years, and shall ascertain by inquiry to which school parents and guardians desire to send, and shall enroll accordingly for one year, and furnish to each teacher a list of the children assigned to him.

Sec. 16. When persons can be better accommodated at the school of an adjoining township, the trustees of the township in which such persons reside, shall transfer them for educational purposes to such adjoining township, and notify the trustees of the same of such transfer; and in any enumeration, the children of such person shall be regarded as belonging to the township to which they have been transferred; and such person shall, for educational purposes, be voters in such adjoining township only.

Sec. 17. They shall require of each teacher to file with the clerk of such board, at the expiration of each common school term, a complete report, verified by affidavit, of the number of scholars admitted during such term, distinguishing between male and female, and between the ages of five and twenty-one years; the average attendance, books used, branches taught, and the number of pupils engaged in the study of each branch; and until such report shall have been filed, the said trustees shall make no payment to such teachers for services.

SEC. 18. They shall present at the annual township meeting a statement exhibiting the number of children in each township between the ages of five and twenty-one years, distinguishing between male and female, the number of schools, the number of teachers, male and female, and the number of children, distinguished as above, who have attended school during the past year, the average attendance, length of school terms, compensation of teachers male and female, amount of public funds appropriated to the township, condition of school houses and furniture, and estimated value thereof, number and condition of books in the library, value and condition of school apparatus, and a complete statement of their expenditures by items.

SEC. 19. In visiting schools they shall examine the mode of teaching, government, books used, adaptation of school houses and furniture, the comfort and health of the scholars, condition of such school houses and furniture, and all matters connected with the comfort and efficiency of the schools.

SEC. 20. They may dismiss teachers for incompetence, immorality, or neglect of duty, and suspend from the privileges of school any pupil found guilty of disorderly conduct, which suspension shall not extend beyond the current session, nor shall such dismissal prejudice the claim of a teacher for services rendered prior to the time of dismissal.

SEC. 21. Whenever a majority of the parents or guardians of the pupils attending a school shall present to the trustees of the proper township, a complaint in writing of the misconduct, inefficiency or incompetency of the teacher, such trustees shall forthwith investigate the cause of complaint, and if such complaint be properly sustained, shall dismiss the teacher.

SEC. 22. Such board may establish graded schools or a modification thereof, where such establishment is practicable and convenient, and in such case they shall so classify the children of their township, as to secure to all equitable participation in the advantage thereof.

SEC. 23. They shall on or before the first day of October in each year, furnish to the county auditor, who shall on or before the fifteenth day of October in each year furnish to the State superintendent a condensed report of the same, a full report of their proceedings, stating the number of select schools in the township, so far as the same can be ascertained, with the number of pupils, their ages and sex, and branches taught, and the average wages of teachers both in the public and in the select schools.

SEC. 24. They may call a special meeting of the voters of the township, whenever in their opinion the interest of the township requires it, giving twenty days' notice thereof; and they shall call such meeting, when required in writing to do so by twenty of the voters of the township; whenever a special meeting is called, the notice shall specify time, place, and object, and be set up in three public places in the township.

SEC. 25. Whenever a tax shall be levied for school purposes, such trustees shall make out and file with the county auditor a list of so much of the taxable property in the township, with the names of the owners thereof, as belongs to such persons as may have been transferred for educational purposes to an adjoining township, and also to such persons as may, for the same purposes, have been transferred to the township, which shall be situate in the township of such persons' residence, unless the same be in an adjoining county.

SEC. 26. The auditor shall take for his guide the assessment of the property of the township for State and county purposes, deducting therefrom the property of persons transferred to another township, and adding thereto the property of persons transferred from other townships, and shall make the proper assessment thereof in the same manner as for State and county revenue, shall add the amount of said tax to his duplicate in an appropriate column, and the said taxes shall be collected by the county treasurer as other revenues, and the said treasurer shall pay the same, upon the warrant of the auditor, to the treasurer of the proper township.

SEC. 27. Every person transferred for educational purposes to a township of an adjoining county, shall pay to the treasurer of such township a sum equal to the tax levied in such township, computing the same upon the property of such person in the township where he resides, according to the valuation thereof by the proper assessor, and in default of such payment shall be debarred from educational privileges in the township to which he may have been transferred, and the trustees of the said township shall notify the trustees of the township in which he resides, of such exclusion.

SEC. 28. Tax payers may pay such special tax at any time to the township treasurer, whose receipt shall be received by the county treasurer as evidence of payment.

SEC. 29. When any board of trustees shall neglect to file with the county auditor an enumeration of the children of the township as hereinbefore provided, the county auditor shall employ a competent person to take the same, and allow a reasonable compensation for such services, and shall proceed to recover the same, in the name of the State of Indiana, for the use of common schools, by action against the said trustees, in their individual capacity; and in such suit such auditor shall be a competent witness. A copy of such enumeration shall forthwith be forwarded by the auditor to the State Superintendent.

SEC. 30. If a township trustee fail to discharge any of the duties of his office, any person may maintain action against him for every such offence, in the name of the State of Indiana, and may recover for the use of the common school fund, any sum not exceeding ten dollars.

SEC. 31. Any person elected or appointed a township trustee, who shall fail to qualify and serve as such, shall pay the sum of five dollars, to be recovered as specified in the preceding section for the use therein named.



**SEC. 32.** The township school board shall divide their several townships into any convenient number of school districts, and appoint for each school district so formed, one district trustee, who shall continue to serve one year, whose duty it shall be to take charge of the school house in his district, superintend the repairs, provide fuel, assist the school board in procuring a teacher, and in taking the enumeration of the school children in the district. Said township and district trustees shall be exempt from the annual road tax in consideration of their services as trustees.

**SEC. 33.** The school board shall make an estimate of the annual expense of repairs, fuel and the erection of new edifices, and sites for the same if any are needed, and all other educational affairs, and levy a tax for the same according to section 10 of this act, and file a copy of the same with the county auditor, who shall include the same in the annual estimate of township expenses, to be placed on the tax duplicate of the county, and collected as other taxes are collected. It shall also be the duty of said board to adopt a style of school architecture, uniform as near as practicable in plans, convenience, and furniture, and maintain schools of equal length in each school district of the township; they shall take charge of the library and appoint the librarian, and determine his compensation; they shall be accountable for the preservation of said libraries—prescribe the time of taking and the period of retaining books, assess damages done to them by persons entitled to their use, and adopt rules and regulations necessary for their preservation and usefulness.

**SEC. 34.** Such board shall have power to allow their clerk and treasurer a reasonable compensation for any extra duties enjoined upon them by this act, as such clerk and treasurer.

#### SETTLEMENT WITH TREASURER.

**SEC. 35.** It shall be the duty of the board of education to make settlement with the township treasurer on the fourth Monday of March, annually; but if for want of time or other reason, a settlement cannot be made at said session, then it shall be the duty of the board to appoint a committee, composed of one or more of their own members to make such settlement as soon as practicable, and report the result to the clerk of the board, who shall record an abstract thereof in the records of the board.

**SEC. 36.** There shall be an annual meeting of the township school board and district trustees, on the second Monday of May for conference and concert of action, and subsequently on their own adjournment, or appointment.

#### OF THE INVESTMENT OF THE COMMON SCHOOL FUND.

**SEC. 45.** The principal of all moneys belonging to the common school fund, and received into the county treasury, shall be loaned,



and the interest paid for the support of schools, as provided in this act.

Sec. 46. Such loans shall be made by the county auditor, who shall inform himself of the value of all real estate offered in pledge, and shall judge the validity of the title thereof; and all persons applying for a loan, shall produce to said auditor title papers, showing a clear title in fee simple, without incumbrance, and not derived through any executor's or administrator's sale, or sale on execution, or sale for taxes.

Sec. 47. The trustees or any two disinterested free holders, residents of the township shall appraise any lands offered in mortgage.

Sec. 48. Such appraisers first being sworn, shall examine and appraise such land, and sign and give to the applicant a certificate, setting forth the fair cash value thereof at the time, without taking into consideration perishable improvements—the number of acres, and a description of the same by numbers of congressional divisions, or of recorded lots, or by metes and bounds.

Sec. 49. In making such loans, preference shall be given to the inhabitants of the county, if the security be adequate; and the money shall be loaned equally among the different townships, if there are applicants in said townships.

Sec. 50. No land shall be received as security, unless situated in the county where the loan is made.

Sec. 51. The amount loaned to any person or company, shall not exceed three hundred dollars.

Sec. 52. The person applying for a loan, shall file with the auditor the certificate of the clerk and recorder, showing that there is no incumbrance on said land in either of their offices.

Sec. 53. Such person shall also make oath to the truth of an abstract of his title, and that there is no incumbrance or better claim, that he knows of.

Sec. 54. No such loan shall be made for a longer term than five years.

Sec. 55. The sum loaned shall not exceed one-half of the appraised value of the premises to be mortgaged, clear of all perishable improvements.

Sec. 56. The auditor shall have power to administer all oaths, and take all acknowledgments required by this act.

Sec. 57. Mortgages taken for such loans, shall be considered as of record from the date thereof, and shall have priority of all mortgages or conveyances not previously recorded, and of all other liens, not previously incurred, in the county where the land lies.

Sec. 58. The auditor shall cause such mortgages to be recorded with due diligence, retaining the cost of recording out of the money borrowed.

Sec. 59. The rate of interest required, shall be seven per cent. per annum, payable annually in advance.

Sec. 60. On failure to pay any instalment of interest, when the

same becomes due, the principal sum shall forthwith become due, and payable, and the note and mortgage may be proceeded on, and the money collected.

Sec. 61. The mortgage may be in substance as follows, to-wit: I, A. B., of the county of ———, in the State of Indiana, do mortgage to the State of Indiana, all, [*here describe the land*] for the payment of ——— dollars, with interest at the rate of seven per cent. per annum, payable in advance, according to the conditions of the note hereto annexed.

Sec. 62. The note accompanying the same may be in substance as follows, to-wit: I, A. B., promise to pay to the State of Indiana, on or before the ———, the sum of ———, with interest thereon at the rate of seven per cent. per annum, in advance, commencing on the ——— day of ———, 18—; and do agree that, in case of failure to pay any instalment of said interest, the principal sum shall become due, and payable, together with all arrears of interest; and on failure to pay such principal or interest when due, two per cent. damages shall be collected, with costs, and the premises mortgaged may be forthwith sold by the county auditor, for the payment of such principal sum, interest, damages and costs.

Sec. 63. On making loan of any such fund, the auditor shall draw his warrant in favor of the borrower upon the county treasurer, who shall charge it to the fund.

Sec. 64. All loans refunded, and all interest, shall be paid to the county treasurer, and his receipt shall be filed with the county auditor, who shall give the payer a quietus therefor, and make the proper entries.

Sec. 65. Whenever the amount due on any mortgage shall be paid, and the treasurer's receipt filed therefor, the auditor shall endorse on the note and mortgage that the same have been fully satisfied, and surrender the same to the person entitled thereto, and on the production of the same, thus endorsed, the recorder shall enter satisfaction upon the record.

Sec. 66. When the interest or principal of such loan shall become due and remain unpaid, the auditor shall proceed to collect the same by suit on the note, or by sale of the mortgaged premises, or both, at his option; he may also, by action of ejectment, obtain possession of the mortgaged premises.

Sec. 67. In case of suit on the note, and judgment thereon, no appraisal of property shall be allowed.

Sec. 68. Before sale of mortgaged premises, the auditor shall advertise the same in some newspaper published in the county where the land lies, if any there be; otherwise, in a paper in the state nearest thereto, for three weeks successively, and also by notices set up at the court house door, and in three public places in the township in which the land lies.

Sec. 69. At such sale, which shall be held at the court house door, the auditor shall sell so much of the mortgaged premises, to

the highest bidder for cash, as will pay the amount due for principal, interest, damages and costs.

Sec. 70. In case of no bid for the amount due, the auditor shall bid in the same on account of the fund, and as soon thereafter as may be, shall sell the same to the highest bidder, for cash, or on a credit of five years, interest at seven per cent. per annum being payable annually in advance

Sec 71. Such sale may be in parcels, but shall not be for less than the amount chargeable on said land ; and if more, the overplus shall be paid to the mortgagor, his heirs or assigns.

Sec. 72. The treasurer shall attend and make a statement of such sales, which shall be signed by the auditor and treasurer, and after being recorded in the auditor's office, shall be filed in the treasurer's office, and such record or a copy thereof, authenticated by the auditor's or treasurer's certificate, shall be received as evidence of the matters therein contained.

Sec. 73. The deeds shall be executed by the county auditor, and shall be entered on the books of the county treasurer, before delivery.

Sec. 74. When any land is bid off by the auditor, at such sale. no deed need be made thereof to the State, but the statement of such sale, and the record thereof made, shall vest the title in the State for the use of the fund.

Sec. 75. Annual reports of the operations of their respective officers, in regard to loans and payment for school purposes, and to all moneys received on account of the common school fund, shall be made by the county treasurer and auditor to the board of county commissioners, at the first session after the first day of June.

Sec. 76. Forms and modes of book-keeping for said officers shall from time to time be prescribed by the Auditor of State.

Sec. 77. The board of county commissioners shall annually, at their June session, in the presence of the county auditor and treasurer, examine the accounts and proceedings of such officers in relation to said fund, they shall also enquire into the safety of the several loans made of said fund, and examine and compare the cash, notes and mortgages with the books and reports.

Sec. 78. Said board shall make a report of the result of such examination, showing:

*First.* The amount refunded and the amount reloaned, and the safety thereof.

*Second.* The amount of interest received and the amount paid over.

Sec. 79. Such report shall be entered on the records of said board, and copies thereof signed by members of the board, the auditor and treasurer, shall be transmitted to the auditor of State and to the State Superintendent of Public Instruction.

Sec. 80. Any member of the board of county commissioners, or any county auditor or treasurer, neglecting to perform any of the duties required in the three preceding sections, shall be liable to in-

dictment therefor, and to be fined in any sum not exreeding one hundred dollars, nor less than twenty dollars.

#### OFFICER'S FEES.

Sec. 81. County auditors shall receive for their services in managing the school fund two per cent. damages accruing on all sales for non payment of loans, and three per cent. on all receipts and disbursements of interest. And county treasurers shall receive for their services two per cent. on all receipts and disbursements of interest.

Sec. 82. The following fees only shall be charged in case of mortgage for loans to be paid by the borrower :

To each appraiser .....	50 cents.
For recording mortgage.....	50 cents.
For drawing mortgage.....	50 cents.
For taking borrower's affidavit.....	10 cents.
Clerk and Recorder's certificate and examining title, each .....	25 cents.

#### STATE SUPERINTENDENT.

Sec. 83. There shall be elected by the qualified voters of the State, at the general election, a State Superintendent of Public Instruction, who shall hold his office for two years; and in case a vacancy shall happen in said office, by death, resignation, or otherwise, the Governor shall fill the same by appointment, for the unexpired term.

Sec. 84. He shall subscribe an oath or affirmation of office, which shall be filed in the office of Secretary of State, and shall enter upon the duties of his office on the second Monday of January succeeding his election.

Sec. 85. The books and papers of his department shall be kept at the seat of government, where a suitable office shall be furnished by the State, at which he shall give attendance when not absent on public business.

Sec. 87. He shall be *ex-officio* President of the State Board of Education, preside at all meetings thereof, propose such measures for consideration and adoption as in his judgment may best subserve the interests committed to said board, and increase the efficiency of their individual labors, and submit for their inspection and approval a list of text books for schools, and a catalogue of suitable works for school libraries.

Sec. 89. He shall receive and promptly determine appeals from township trustees, exercise such supervision over the educational funds as may be necessary to ascertain their safety and secure their preservation, and cause to be instituted in the name of the State of Indiana, for the use of the common school fund, all suits necessary for the recovery of any portion of said funds.



Sec. 90. He may require of county auditors, treasurers, township trustees, clerks and treasurers, copies of all reports of them required to be made, and all such other information in relation to the duties of their respective offices, and the condition of the funds and property of common schools, and the condition and management of such schools as he may deem important.

Sec. 91. He shall prepare and transmit to the proper officers, suitable forms and regulations for making all reports, and conducting all necessary proceedings under this act, and all necessary instructions for the better organization and government of common schools.

Sec. 92. He shall cause as many copies of this act, with the forms, regulations and instructions aforesaid, to be from time to time printed and distributed amongst the school townships, as he shall deem the public good requires.

Sec. 93. The annual report of the Superintendent shall be made to the General Assembly, when that body is in session: otherwise to the Governor, who shall cause the same to be published, and communicate a copy thereof to the next General Assembly.

Sec. 94. With the report of his labors and observations, he shall present:

A statement of the condition and amount of all funds and property appropriated to purposes of education;

A statement of the number of common schools in this State,—the number of scholars in attendance,—their ages, sex, and the branches taught;

A statement of the private or select schools in the State, so far as the same can be ascertained,—the number of scholars, their age, sex, and the branches taught;

Estimates and accounts of the expenditures of the public school fund;

Plans for the management and improvement of the common school fund, and for the better organization of common schools.

#### LANDS BELONGING TO COMMON SCHOOLS.

Sec. 96. The custody and control of all lands belonging to the common school fund, shall be with the trustees of the congressional township in which the same shall be situated.

Sec. 97. They shall have power to lease such lands for any term not exceeding three years, reserving rents payable in money, property, or improvements, to be made on the land.

Sec. 98. But if directed by a vote of a majority of the voters of such township, such leases may be made for any term not exceeding ten years.

Sec. 99. Townships may acquire land by devise or gift, and hold the same in accordance with such gift or devise.

Sec. 100. Such trustees shall have all rights and powers of a landlord, either in their official names, or in the corporate name of S. J.—42.



the township, in coercing fulfilment of contracts relating to such lands, and preventing waste or damage, or of recovery for the same when committed.

Sec. 101. Such trustees shall preserve all personal property belonging to such township, and may sell the same from time to time, in such manner as will best promote the interest of such township.

Sec. 102. At any time when five voters of any township shall, by petition to the trustees, set forth their desire for the sale of all or any part of the land in such township, at any time before notice is given for the annual election of trustees, such trustees shall insert in such notice the further notice that a balloting will then be had to determine whether the land so petitioned for shall be sold or not.

Sec. 103. A copy of such petition shall be entered on the book containing the record of the proceedings of such trustees, together with the time of its reception, and their action thereon.

104. If a voter favor the sale of such land, he shall write on his ballot the word "sale;" if he oppose the sale, he will write the words "no sale."

Sec. 105. No such sale shall be allowed, unless a majority of all the votes cast in such township shall vote in favor of it, and unless the number of votes constituting such majority shall exceed fifteen.

Sec. 106. A certificate showing the number of votes given for and against such sale, shall be made out and signed, and within seven days after such election, filed with the clerk of such township.

Sec. 107. Such trustees shall enter such return on their record books, and if satisfied that a majority, and more than fifteen voters have voted for such sale, they shall enter their opinion on their record book, and shall proceed :

*First.* To divide the lands so voted to be sold into such lots as will insure the best price.

*Second.* To affix a minimum price to each lot, not less than one dollar and twenty-five cents per acre, below which it shall not be sold.

*Third.* To certify such division and appraisement to the proper county auditor, together with a copy of all their proceedings had in relation to the sale of said lands.

Sec. 108. Such certificate and return shall, by such auditor, be laid before the board of county commissioners, at their first meeting thereafter, and said board, if satisfied that the requirements of the law have been substantially complied with, shall direct such land to be sold, which sale shall be conducted as follows :

*First.* It shall be made by the auditor and treasurer.

*Second.* Four weeks' notice of the same shall be given, by posting up notices thereof in three of the most public places in the township where the land is situated, and at the court house door, and by publication in a newspaper published in said county, if any, otherwise in the newspaper in the State nearest thereto.

Sec. 109. One fourth of the purchase money shall be paid in

hand, and interest for the residue for one year in advance, and the residue in ten years from such sale, with like interest annually in advance.

Sec. 110. On failure to pay any such annual interest when the same becomes due, the contract shall be forfeited, and the land shall immediately revert to the township, and the auditor shall forthwith proceed again to sell the same on the terms above specified.

Sec. 111. If, on such second sale, such land shall produce more than sufficient to pay the sum owing therefor, with interest and costs and five per cent. damages, the residue shall, when collected, be paid over to the first purchaser, or his legal representative.

Sec. 112. At any time before sale, payment of the sum due, with interest for the delay, and all costs, together with two per cent. damages on the whole sum owing for said land, shall prevent such sale, and receive the original contract.

Sec. 113. In case of such forfeiture, the original purchaser may be sued for waste, or unnecessary injury done to such land.

Sec. 114. Such suit shall be prosecuted by the auditor, in the name of the State, for the use of the common school fund.

Sec. 115. The former owner of such delinquent land, his heirs, or assigns, may within one year after sale, redeem the same by paying to the purchaser, his heirs, executors, administrators, or assigns, or by depositing with the treasurer of the proper county, the amount of purchase money paid by such purchaser, with interest thereon at the rate of ten per cent. per annum, together with all subsequent payments for taxes, interest or principal, which such purchaser, or those claiming under him, may have made thereon.

Sec. 116. When any land offered for sale shall remain unsold, the county auditor may dispose of the same at private sale, for the best price that can be had therefor, not being less than the minimum price affixed thereto.

Sec. 117. A certified statement of such sale shall be made and signed by the auditor, and being first recorded by the county auditor in the records of the board of county commissioners, shall be delivered to the purchaser when he makes his first payment, and shall entitle him to a deed when the terms of such purchase shall have been fully complied with.

Sec. 118. Every purchaser, until forfeiture, shall be entitled to all the rights of possession before existing in such townships, and of all rights and remedies for rents becoming due, or breaches of covenant accruing after his purchase, under any lease existing at the time of his purchase, and for all waste committed thereafter.

Sec. 119. A purchaser at such sale, failing to make the first payment as above required, shall pay ten per centum on the sum bid, to be recovered by action before any court having jurisdiction, to be prosecuted for by the county auditor, in the name of the State, for the use of the common school fund, and the auditor and treasurer shall be competent witnesses.

Sec. 120. Assignments of certificates of purchase shall be valid

only if acknowledged before the county auditor, who shall record the same.

Sec. 121. When a residue of purchase money becomes due, the purchaser may retain the same as a loan, from year to year, on payment annually in advance, of the interest thereon, at the rate then established by law on loan of such funds; but he shall receive no deed until full payment is made; and the General Assembly may at any time hereafter so change the law as to require payment of such purchase money after the original credit has expired, giving the party one year's notice.

Sec. 122. Purchasers may at any time before due, pay a part or the whole of such purchase money.

Sec. 123. When any such certificate shall be lost or destroyed, before a deed be made, on proof thereof by affidavit of the person interested, or other competent testimony, to be filed with the county auditor, and after three months notice of intention to apply for a new certificate, given in some newspaper published nearest to where the land lies, such auditor may issue the same to the person entitled thereto.

Sec. 124. Purchase money and interest, and all costs and damages above provided for, shall be paid to the treasurer of the proper county, and his receipt therefor filed by the person paying with the county auditor, who shall issue his quietus therefor.

Sec. 125. When such payment is in completion of any contract of sale, the amount of such receipt shall be endorsed by the county auditor on the certificate of purchase.

Sec. 126. On full payment for such land, a deed shall be executed by the county auditor, and entered on the record book of the county commissioners.

Sec. 127. Such deed shall be acknowledged at the cost of the grantee by the county auditor, as in other cases, and thus executed and delivered, shall vest in the grantee, his heirs and assigns forever, a complete title to the land.

Sec. 128. The voters of any township may, in the absence of a vote to sell land, and in lieu thereof, petition the board of township trustees for such sale; and such petition, if signed by a majority of all the voters of the township, be filed with the county auditor, and the same proceedings shall be had as are provided in the preceding sections upon a vote of the inhabitants of the township for such sale. Such petition and certificate shall also be recorded in the record book of the board of township trustees, and of the county auditor.

Sec. 129. When a majority of the voters shall, by petition, designate any place in the township as the place of sale of any school land, the said petition duly certified and recorded in the record of the board of township trustees, shall be filed with the county auditor who shall record the same, and thereupon such sale shall be held at such place in the township, instead of at the court house, as hereinbefore provided.

Sec. 130. All moneys derived from rents of a school section, or from lands heretofore acquired by a township for other than ordinary school purposes, shall be paid to the county treasurer.

#### MISCELLANEOUS PROVISIONS.

Sec. 131. The books, papers, and accounts of any township trustee, their clerk or treasurer, shall be subject to the inspection of the county auditor, and of the board of county commissioners of the proper county.

Sec. 132. For the purpose of said inspection, said board of county commissioners and auditor may, by subpoena, summon before them any such trustees, clerk, or treasurer, and require the production of such books, three days' notice of the time to appear or produce being given.

Sec. 133. If such books have been imperfectly kept, said board of commissioners may correct them; and if fraud appear, shall remove the person guilty thereof.

Sec. 134. Process in suits against a school township shall be by summons executed by leaving a copy thereof with the clerk of such township ten days before the return day thereof.

Sec. 135. Suits brought on behalf of the school township, shall be brought in the name of the State of Indiana for the use of such township.

Sec. 136. When suit on behalf of, or against a school township shall be entered in the circuit or supreme court, the prosecuting attorney of the proper circuit shall attend to the prosecution or defence of such township, as part of his official duty.

Sec. 137. An appeal shall lie from the decision of a township trustees to the county auditor, thence to the State Superintendent whose decision shall be final.

Sec. 138. Any person who shall sue for or on account of any decision, act, refusal or neglect of duty of the township trustees, or of county auditor, for which he might have had an appeal according to the provisions of the two preceding sections, shall not recover costs.

Sec. 139. No teacher shall be employed unless he be of good moral character, nor until he shall have procured a certificate of qualification as provided in this act.

Sec. 140. The words "county auditor," in this act, shall be construed to mean the county auditor or clerk of the circuit court doing the business of such auditor.

Sec. 141. Debts heretofore contracted by any school district for school purposes, shall be provided for by the township or townships in which it is situated.

Sec. 142. All common schools shall be open to the pupils thereof without charge.

Sec. 143. The auditor shall take an account of the amount of the surplus revenue fund heretofore distributed to the several coun-



ties of this State, and also on account of the proportion to which each county would be now entitled according to the number of taxable polls in each, and shall equalize the amount of State funds in each county according to population, as far as may be, by means of the saline and bank tax funds annually distributed from the State.

Sec. 144. The county auditor and treasurer, under the direction of the board of county commissioners, shall have the power to compound for debts of any of the school funds which are considered as lost or unsafe.

Sec. 145. Incorporated cities and towns shall constitute school corporations, independent of the townships in which they may be situated, and shall be entitled to the proportional amount of school funds to which the number of children between the ages prescribed by law will entitle them; and shall, by trustees elected by the people, or by officers appointed by the corporation, perform all the duties required of township trustees,—prepare and file with the county auditor all the reports required of, and be subject to all the liabilities of such trustees,—shall have power, by an ordinance, to levy taxes for the support of their schools, after the public funds have been exhausted,—for the building, repairing and of hiring school houses,—for the purchase or leasing ground therefor,—for the furnishing thereof,—for the establishment or increase of school libraries, and all other incidental expenses. They shall have power to establish graded schools, and generally to do and perform all other acts which, by this act, are authorized to be done and performed by township trustees: *Provided, however,* That in case any school district within the limits of such city or town, shall have heretofore contracted debts for school purposes, the said city or town shall make provisions for the payment thereof. The same transfers may be made for educational purposes from the neighborhood of any such city or town, to such city or town, and on the same terms and conditions as are hereinbefore provided in relation to transfers from one township to another.

Sec. 146. The school year shall be considered as closing on the 30th day of September, and the enumeration of the school children shall be made between the 20th and 25th days of said month, and thirteen weeks of five school days each shall be considered a legal quarter.

Sec. 147. The county auditor shall appoint some suitable person whose duty it shall be to examine the several dockets and records of his county, and make report in writing to the board of county commissioners, of the unclaimed fees as provided by law, and the fines assessed for breaches of the penal laws of the State which remain uncollected; and he is hereby authorized, if he deem it for the interest of the State, to institute suit in the name of the State of Indiana for the recovery and collection of the same for the use of the common school fund.

Sec. 148. Where any real estate has been heretofore donated or purchased for the use of any corporation, or school district for



school purposes, and the same has ceased to be used, or is no longer needed for such purposes, the trustees or other officers of such corporation, or the township board of education in which the same may be situated, are hereby authorized to sell such real estate, and extinguish the donor's title or right of reversion by purchase, if they deem it expedient, or they may direct the sale to be made with condition that the purchaser shall extinguish such title, or right of reversion as a part of the consideration of the purchase.

SEC. 149. The proceeds of said sales, after deducting the necessary expenses thereof, shall be applied to the purchase of new sites and the purchase or erection of school houses thereon, within the limits of the corporation or civil township in which such real estate was situated.

#### SCHOOL EXAMINERS.

SEC. 150. The board of county commissioners of each county of this State are hereby authorized to appoint at least one and not more than three school examiners, whose term of office shall expire on the first Monday in March of each year; the clerk of said board shall report immediately upon their appointment, the name and post office address of each school examiner to the State Superintendent of Public Instruction.

SEC. 151. It shall be the duty of said school examiner to examine all applicants for license, and if found qualified, license them as common school teachers for three, six, twelve, eighteen or twenty-four months, at the discretion of the examiner; they shall each keep account of all licenses issued, specifying date, and period of expiration, and shall forward an annual report of the same to the State Superintendent of Public Instruction.

SEC. 152. *Be it further enacted,* That all license shall specify explicitly the branches which the licensee may be qualified to teach, and shall be issued free of charge. But the school examiner shall be entitled to an advanced fee of fifty cents from every applicant for examination.

SEC. 153. The State Superintendent of Public Instruction may license teachers at his pleasure.

SEC. 154. No person shall be declared qualified to receive a license as common school teacher, unless he or she may possess a knowledge of orthography, reading, writing, arithmetic, geography and English grammar.

#### STATE BOARD OF EDUCATION.

SEC. 155. The State Board of Education shall consist of the State Superintendent of Public Instruction, the Governor, the Secretary, Treasurer, and Auditor of State, who shall meet annually at Indianapolis on the second Monday of November, for the purpose of more effectually promoting the interests of education, by mutual

conference, interchange of views and experience of the practical operation of the system, the introduction of uniform school books, the adoption of the most eligible means of facilitating the establishment of township school libraries, and the discussion and determination of such questions as may arise in the practical administration of the school system.

SEC. 156. All acts contravening the provisions of this act are hereby repealed.

SEC. 157. Inasmuch as a portion of the duties prescribed by this act, must be performed before the publication and circulation of the laws in the counties of the State, an emergency is declared to exist for the immediate taking effect of this act; it is therefore declared, that the same shall take effect and be in force from and its passage and publication in the State Sentinel and Indiana State Journal.

Mr. Hostetler moved to amend the amendment as follows:

*“ Provided, That the tax assessed and collected shall remain in the several counties in which the same was levied and collected, except such tax as may be collected from corporations: And provided further, that the same shall be equally distributed in the several townships, in proportion to the number of children therein to the whole number in the county.*

The ayes and noes were demanded by Senators Meeker and Hostetler.

*Those who voted in the affirmative were,*

Messrs. Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Crouse, Cutshaw, Drew, Ensey, Hendry, Hosbrook, Hostetler, Jackson of Madison, Kightley, McCleary, Meeker, Rugg, Sage, Shields, Shook, Spann, Suit, Vandevanter, and Williams—26.

*Those who voted in the negative were,*

Messrs. Alexander, Barnett, Freeland, Griggs, Hawthorn, Mansfield, Mathes, Parker, Richardson of Spencer, Tarkington, Wilson, Witherow and Wood—13.

So the amendment was adopted.

Mr. Alexander moved to amend the amendment as follows:

Amend Sec. 1st by striking out “15 cents,” and inserting “10 cents.”

Which was accepted by Mr. Shields.

Mr. Drew moved to amend the amendment as follows:

Strike out in 3d line of fourth section, the words “from taxation and.”

Which was accepted by Mr. Shields.

On motion by Mr. Drew,

The amendment was amended as follows:

Insert in 6th line of section 7 after the word "prescribed" the following: "also the apportional amount of the collected taxes specified in the first section of this act."

On motion by Mr. Drew,

The amendment was amended as follows:

Strike out in the 6th line of 10th section the words "one dollar in one hundred dollars," and insert as follows: "one-fourth of one per centum on the."

Mr. Shook moved to amend the amendment as follows:

Strike out so much of the substitute as changes the civil township mode of doing business to that of the congressional township.

A call of the Senate was ordered.

The Secretary proceeded with the call when the following Senators answered to their names:

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Free-land, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Williams, Wilson, Witherow and Woods—43.

On motion,

The further call was suspended.

Pending which,

On motion by Mr. Anthony,

The bill was made the special order for 2 o'clock P. M.

Leave being granted,

Mr. Anthony, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred House bill No. 66. A bill for the relief of Henry Wells, Treasurer of the county of Lake," have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to a third reading.

Leave being granted,

Mr. Anthony, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred Senate bill No. 187, a bill to amend section 96 of an act entitled "an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State," have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage.

The report was concurred in, and the bill considered as engrossed.

The bill was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Slater, Suit, Weston, Wilson, Witherow and Woods—37.

Messrs. Barnett, Bearss, and Shook, voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Mr. Meeker, from the committee on Finance made the following report:

MR. PRESIDENT:

The committee on Finance, to whom was referred Senate bill No. 172, a bill for the relief of county treasurers in the several counties in this State, and providing that the State Trésaurer shall receive the depreciated state stock money which has been collected in good faith by county treasurers, as the same was received by said treasurers for taxes, have had the same under consideration, and have instructed me to report it back without amendment, and recommend its passage.

The report was concurred in.

The bill was considered as engrossed,

And read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Drew, Freeland, Glazebrook, Hosbrook, Jackson of Tipton, Meeker, Parker, Reynolds, Richardson of St. Joseph, Sage, and Suit—20.

*Those who voted in the negative were,*

Messrs. Barnett, Chapman, Ensey, Griggs, Hawthorn, Helm, Henry, Hostetler, Jackson of Madison, Knightley, McCleary, Mansfield, Mathes, Richardson of Spencer, Rugg, Shields, Shook, Slater, Van-levanter, Wilson, Witherow and Woods—22.

So the bill did not pass.

Leave being granted,

Mr. McCleary, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred resolution of the Senate, relating to appropriations for the relief of Messrs. Howland and Jones, have had the same under consideration, and have directed me to report that after due consideration, they have seen proper to reduce the claim of John S. Howland, \$200, and have drafted a bill accordingly, and do recommend its passage.

No. 191. A bill to extend relief to John D. Howland and Daniel D. Jones, for services by them performed under the existing laws of this State.

Which was read a first time and passed to a second reading.

Leave being granted,

Mr. Richardson of St. Joseph, chairman of the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on Corporations to whom was referred Senate bill No. 174. "An act authorizing railroad, plank road, turnpike road and McAdamized road companies to close up their business and dissolve their organization," have had the same under consideration, and I am directed to report it back to the Senate and to recommend its adoption.

The report was concurred in.

Mr. Richardson of St. Joseph moved to suspend the rules, and read the bill a third time.

The ayes and noes being taken under the constitution



*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Shook, Slater, Suit, Williams, Wilson, Witherow and Woods—40.

No Senator voting in the negative.

So the rules were suspended, and the bill read a third time.  
The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Glazebrook, Helm, Jackson of Madison, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Rugg, Sage, Shook, Slater, Suit, Weston, Williams, Witherow and Woods—36.

*Those who voted in the negative were,*

Messrs. Brookshire, Hawthorn, Hendry, Jackson of Madison and Richardson of Spencer—5.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Mr. Mansfield, chairman of the committee on Roads, made the following report:

MR. PRESIDENT:

The committee on Roads to whom was referred House bill No. 156, have had the same under consideration and have directed me to report the same to the Senate and recommend that it be laid on the table.

The report was concurred in, and the bill laid on the table.

Leave being granted,

Mr. Reynolds, chairman of the committee on Claims, made the following report:

MR. PRESIDENT:

The committee on Claims, to whom was referred the claim of

Benjamin P. Fuller, for the apprehending and lodging in jail of Ira Watts charged with murder, who had fled the State, said Watts having since been tried and sent to prison for life, have had the same under consideration, and direct me to report it back and ask that the sum of one hundred dollars be allowed in the bill of specific appropriations for his benefit.

The report was concurred in, and the claim referred to the committee on Finance.

By unanimous consent,  
Mr. Jackson of Tipton introduced,

Senate bill No. 192. A bill to provide for printing the laws of the present session of the General Assembly.

Which was read a first time and passed to a second reading.

A message from the House, by Mr. Levering, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has concurred in the engrossed amendments of the Senate to House bill

No. 52. A bill to prohibit profanity.

And that the House has concurred in engrossed amendments of the Senate to House bill

No. 105. A bill to amend section 22d of an act for the incorporation of towns, defining their powers, providing for the election of officers thereof and declaring their duties, approved June 11, 1852.

A message from the House by Mr. Levering, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed without amendment, engrossed bill of the Senate,

No. 54. A bill to amend the first section of an act approved May 13th, 1852, entitled "an act providing for the appointment of deputies for certain officers, and prescribing their duties and liabilities."

A message from the House, by Mr. Levering, their clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate, that the Speaker has signed Senate bills, Nos. 108, 122, 146 and 157, and

bring the same to to the Senate for the signature of the President thereof.

Whereupon, the President signed the same.

Mr. Hostetler, from the joint committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the enrolled with the engrossed copy of

Senate bill No. 46, a bill in relation to plank, macadamized, tram, and gravel road companies.

Also,

No. 138. A bill to fix the times of holding the circuit courts in the ninth judicial circuit.

Also,

No. 112. A bill to give additional power to the State board of colonization.

And find the same correctly enrolled.

A message from the House, by Mr. Levering, their clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the Speaker has signed enrolled bills of the Senate, to-wit:

Senate bills No. 46, 112, and 138, and bring the same to the Senate for the signature of the Speaker thereof.

Whereupon the President signed the same.

On motion by Mr. Freeland,  
The Senate adjourned.

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2 O'CLOCK, P. M.

The Senate met.

On motion by Mr. Anthony,  
A call of the Senate was ordered.

The Secretary proceeded with the call when the following Senators answered to their names:

Messrs. Anthony, Barnett, Bearss, Burke, Combs, Crane, Glazebrook, Harris, Hawthorn, Helm, Hostetler, Jackson of Madison,

Jackson of Tipton, Mansfield, Mathes, Meeker, Richardson of Spencer, Shields, Shook, Slater, Spann, Tarkington, Weston, Williams, Wilson, Witherow and Woods—27.

The absentees were sent for.

Several of the absentees having come within the bar of the Senate,

On motion by Mr. Slater,

The further call was suspended.

The special order was taken up, being House bill No. 172.

Pending question being on Mr. Shook's amendment to the amendment offered by Mr. Shields.

The ayes and noes were demanded by Senators Shook and Shields.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brookshire, Brown, Burke, Chapman, Cravens, Crouse, Drew, Ensey, Glazebrook, Hawthorn, Hendry, Mathes, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shook, Slater, Weston, Wilson, Witherow and Woods—25.

*Those who voted in the negative were,*

Messrs. Anthony, Barnett, Bearss, Combs, Crane, Cutshaw, Griggs, Harris, Helm, Hosbrook, Hostetler, Jackson of Madison, Mansfield, Meeker, Shields, Spann, Tarkington and Williams—19.

So the amendment was adopted.

The question then recurring on the amendment offered by Mr. Shields.

It was adopted, and the bill ordered to a third reading.

Leave being granted,

Mr. Burke presented a claim from Nathan Compton for services in recovering a fugitive from justice.

Referred to the committee on the Claims.

#### ORDERS OF THE DAY.

##### *Senate Joint Resolution on Second Reading.*

No. 10. A joint resolution to distribute to Allen county fifty copies Revised Statutes.

Was read a second time.

Mr. Rugg moved to suspend the rule, and read the joint resolution a third time.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Shook, Slater, Spann, Tarkington, Weston, Williams, Wilson, Witherow and Woods—43.

No Senator voting in the negative.

So the rules were suspended, and the joint resolution read a third time.

The question being shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Drew, Freeland, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hostetler, Jackson of Madison, Jackson of Tipton, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Shook, Slater, Spann, Tarkington, Van levanter, Weston, Williams, Wilson, Witherow and Woods—40.

Messrs. Bearss, Chapman and Ensey voting in the negative.

So the joint resolution passed.

*Ordered,* That the Secretary inform the House thereof.

### *House Bills on Third Reading.*

No. 121. A bill to provide for the relocation of county seats, and for the erection of public buildings in counties in case of such relocation.

Was read a third time.

Mr. Freeland moved to recommit the bill with the following instructions:

“Amend so that an election shall be called at the next general election, and if two thirds of those voting shall cast their votes in favor of moving the seat of justice, it shall be so moved.”

Which was not agreed to.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Brookshire, Brown, Combs, Crane, Crouse, Drew, Ensey, Helm, Hosbrook, Jackson of Tipton, Meeker, Rey-



nolds, Richardson of St. Joseph, Richardson of Spencer, Sage, Shields, Spann, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—29.

*Those who voted in the negative were,*

Messrs. Anthony, Barnett, Burke, Chapman, Crane, Cravens, Cutshaw, Freeland, Glazebrook, Griggs, Hawthorn, Hendry, Hostetler, Jackson of Madison, Kightley, Mansfield, Mathes, Parker, Rugg, Shook, Slater and Suit—21.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 212. A bill to raise a revenue for State purposes for the years 1855 and 1856.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brown, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Glazebrook, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Mansfield, Meeker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Slater, Suit, Tarkington, Vandevanter, Weston, Wilson, Witherow and Woods—35.

*Those who voted in the negative were,*

Messrs. Bearss, Brookshire, Burke, Cutshaw, Griggs, Helm, Kightley, Mathes, Parker, Shook, Spann and Williams—12.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 27. A bill to amend an act entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers," approved June 18th, 1852,

Was read a second time, and

On motion by Mr. Bearss,

The bill was amended so as to read, to allow the tax to be worked out at one dollar per day.

On motion by Mr. Jackson of Tipton,

The bill was referred to the committee on Roads.

*Senate Bills on Third Reading.*

No. 96. A bill requiring railroads to be fenced, and providing for compensation for stock killed or injured on such roads, and to repeal all laws in conflict and coming within the perview of this act,

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Brown, Combs, Crane, Cravens, Cutshaw, Griggs, Hosbrook, Suit, Vandevanter, Wilson and Woods—12.

*Those who voted in the negative were,*

Messrs. Anthony, Barnett, Brookshire, Crouse, Drew, Glazebrook, Hawthorn, Helm, Hendry, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Shook, Slater, Spann, Tarkington, Williams, and Witherow—29.

So the bill did not pass.

On motion by Mr. Vandevanter,

House bill No. 80. A bill requiring written briefs to be filed in the Supreme Court,

Was taken from the table.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Barnett, Bears, Brown, Burke, Chapman, Combs, Crane, Cutshaw, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Meeker, Richardson of St. Joseph, Rugg, Sage, Shields, Shook, Suit, Tarkington, Vandevanter, Williams, Wilson, Witherow and Woods—32.

*Those who voted in the negative were,*

Messrs. Brookshire, Cravens, Crouse, Freeland, Glazebrook, Mathes, Richardson of Spencer, Slater and Spann—9.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 157. An act legalizing the proceedings of the boards of county commissioners at special or called sessions thereof,

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Brookshire, Brown, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Freeland, Glazebrook, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Mansfield, Mathes, Meeker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shook, Spann, Suit, Tarkington, Vandevanter, Williams, Wilson, Witherow and Woods  
—35.

Mr. Bearss voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 162. A bill to amend the 15th, 18th and 35th sections of an act entitled "an act to provide for the opening, vacating and change of highways," approved June 17, 1852, and to repeal sections 27, 28, 29, 30, 31, 32, 33, 34, 36, 37 and 38, of said act, and also to repeal sections 13, 14 and 18, of an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852,

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Freeland, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Rugg, Sage, Shook, Vandevanter, and Woods  
—33.

Messrs. Richardson of Spencer, Shields, Wilson and Witherow, voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 170. A bill to provide for incorporating Medical Societies and for the promotion and diffusion of correct medical knowledge,

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barnett, Bearss, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Richardson of Spencer, Rugg, Suit, Wilson, and Woods—30.

*Those who voted in the negative were,*

Messrs. Anthony, Brookshire, Shields, Shook, Slater, Spann, and Vandevanter—7.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 183. A bill to require the Governor to cause to be published monthly lists of appointments to office, pardons granted and fines and forfeitures remitted by him,

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Mansfield, Mathes, Meeker, Parker, Richardson of Spencer, Rugg, Sage, Shook, Suit, Vandevanter, Williams, Wilson, Witherow and Woods—38.

Messrs. Shields, Slater and Spann, voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

*Senate Joint Resolutions on Third Reading.*

No. 9. A joint resolution in relation to the three per cent. fund, and appointing the Governor to settle the same.

Was read a third time.

The question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Freeland, Glazebrook, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Mansfield, Mathes, Meeker,

Parker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shook, Slater, Suit, Vandevanter, Williams, Wilson, and Woods—38.

Messrs. Griggs and Witherow voting in the negative.

So the joint resolution passed.

*Ordered*, That the Secretary inform the House thereof.

Mr. Cravens, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 190, "an act providing for the protection of game, fixing the time for killing the same, and fixing the penalty for the violation of this act," have had the same under consideration, and instructed me to report the following amendments, viz:

Amend section 1 by striking out 1st September and 1st February, and insert 1st July and 1st January.

Amend section 3 by striking out 1st February and insert 1st April.

And recommend their adoption and the passage of the bill.

The report was concurred in, and amendments adopted.

The bill was considered as engrossed.

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Hawthorn, Helm, Hendry, Hosbrook, Parker, Richardson of St. Joseph, Suit, Witherow and Woods—19.

*Those who voted in the negative were,*

Messrs. Barnett, Brown, Cutshaw, Freeland, Glazebrook, Griggs, Harris, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Richardson of Spencer, Rugg, Sage, Shields, Shook, Spann, Vandevanter, Williams and Wilson—23.

So the bill did not pass.

Mr. Jackson of Tipton moved to suspend the rules and read, House bill No. 118. A bill to provide a site, system of government, and plans for the erection of a State House of Refuge, for the correction and reformation of juvenile offenders.

A second time.

The ayes and noes being taken under the constitution,



*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Shook, Slater, Vandevanter, Williams, Wilson, Witherow and Woods—38.

Messrs. Mansfield, Mathes, and Spann, voting in the negative.

So the rules were suspended and the bill read a second time by its title.

Mr. Bearss moved to amend so as to erect the same in some county north of the Wabash river.

Which was not adopted.

Mr. Tackson of Tipton moved to further suspend the rule, and read the bill a third time.

The ayes and noes being taken under the constitution,

*Those who voted in affirmative were,*

Messrs. Anthony, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Freeland, Harris, Hawthorn, Helm, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mathes, Meeker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Shook, Slater, Smit, Williams, Wilson, Witherow and Woods—34.

Messrs. Bearss, Glazebrook, Hendry, Mansfield, and Spann, voting in the negative.

So the rules were suspended, and the bill read a third time, The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Burke, Chapman, Combs, Crane, Crouse, Harris, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Richardson of St. Joseph, Rugg, Weston, Williams, Wilson, Witherow and Woods—22

*Those who voted in the negative were,*

Messrs. Alexander, Barnett, Bearss, Brookshire, Cravens, Freeland, Glazebrook, Griggs, Hostetler, Mansfield, Mathes, Meeker, Richardson of Spencer, Sage, Shields, Shook, Slater, Spann and Smit—19.

So the bill did not pass for want of a constitutional majority.

Mr. Hostetler, from the joint committee on enrolled bills, made the following report :

MR. PRESIDENT :

The committee on enrolled bills have compared the enrolled with the engrossed copy of Senate bill No. 115, a bill to prevent the defalcation of certain officers therein named and to provide penalties thereto.

Also, No. 134,

A bill to repeal section 50 chapter 10, of an act entitled an act providing for the settlement of decedent's estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement, approved June 17th, 1852, and providing for credit on the sale of personal property, and legalizing settlements of executors and administrators in certain cases.

And find the same to be correctly enrolled.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the Speaker has signed Senate bills Nos. 115 and 134, and to bring the same to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

Mr. Hostetler, from the joint committee on enrolled bills, made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills, have this day presented to the Governor for his approval

Senate bill No. 46. An act in relation to plank, McAdamized, tram and gravel road companies :

Also,

No. 138. An act to fix the time of holding the circuit courts in the ninth judicial circuit ;

Also,

No. 112. An act to give additional power to the State Board of Colonization ;

Also,

No. 115. An act to prevent the defalcation of certain officers therein named, and to provide penalties thereof ;

Also,

No. 134. An act to repeal sec. 50, chapter 10, of an act entitled "an act providing for the settlement of decedents estates, prescribing the rights, liabilities and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlement," approved June 17th, 1852, and providing for credit on the sale of personal property, and legalizing settlements of executors and administrators in certain cases.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the Speaker has signed House bills Nos. 127, 163, 58, 92, 100, 119, 145, 154, 170, 61, 153, 120, 149, 150 and 140, and bring the same to the Senate for the signature of the President thereto.

Whereupon the President signed the same.

A message from the House by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof, to-wit :

No. 161. A bill for the preservation and collection of the trust funds of this State, and to provide for substitution of mortgages and prescribing the punishment of officers who loan a greater amount of said funds than is authorized by law ;

Also,

No. 216. A bill for the better support and management of the Indiana Institute for the Education of the Blind, and repealing a former act in reference thereto.

In which the concurrence of the Senate is respectfully requested

No. 161, contained in the foregoing message,

Was read a first time.

Mr. Shields moved to suspend the rule and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were.*

Messrs. Alexander, Anthony, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Freeland, Glazebrook, Griggs, Hawthorn, Hendry, Hosbrook, Hostetter, Jackson of Madison, Jackson of Tipton, McCleary, Mansfield, Mathes, Parker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Shook, Slater, Spann, Tarkington, Vandevanter, Weston, Wilson, Witherow and Woods—37.

No Senator voting in the negative.

So the rules were suspended, and the bill read a second time by its title.

Mr. Anthony moved to further suspend the rules, and read the bill a third time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Freeland, Hawthorn, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, McCleary, Mansfield, Mathes, Parker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, With-  
erow and Woods—38.

No Senator voting in the negative.

So the rules were suspended, and the bill read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brown, Chapman, Combs, Crane, Crouse, Drew, Griggs, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Tipton, McCleary, Mansfield, Mathes, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Shook, Spann, Suit, Tarkington, Vandevanter, Wilson, With-  
erow and Woods—32.

Messrs. Jackson of Madison and Williams, voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Bill No. 216, contained in the foregoing message,  
Was read a first time, and passed to a second reading.

On motion by Mr. Suit,

Senate bill No. 64. A bill to repeal an act entitled "an act to authorize and regulate the business of General Banking," approved May 28th, 1852,

Was taken from the table.

The bill was considered as engrossed, and read a third time.

Mr. Suit moved a call of the Senate.

The Secretary proceeded with the call, when the following Senators answered to their names:

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hostetler, Jackson of Madison, Jackson of Tipton, McCleary, Mansfield, Mathes, Meeker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Shook, Slater, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—48.

On motion by Mr. Freeland,  
The further call was suspended.

Mr. Slater moved to lay the bill on the table.

The ayes and noes were demanded by Senators Slater and Brown.

*Those who voted in the affirmative were,*

Messrs. Barnett, Bearss, Brookshire, Cutshaw, Ensey, Freeland, Glazebrook, Hawthorn, Hendry, Jackson of Madison, Jackson of Tipton, McCleary, Mansfield, Mathes, Richardson of Spencer, Rugg, Sage, Shook, Slater, Vandevanter, and Wilson—21.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Burke, Chapman, Crane, Cravens, Crouse, Drew, Griggs, Helm, Hostetler, Parker, Reynolds, Richardson of St. Joseph, Shields, Spann, Suit, Tarkington, Weston, Williams, Witherow and Woods—24.

So the bill was not laid on the table.

Mr. Slater, moved that the Senate adjourn.  
Which was not agreed to.

Mr. Freeland moved to re-commit the bill to a select committee of three, with instructions to amend the bill so as to give one year to wind up, and that no new issue of bills shall take place.

The ayes and noes were demanded by Senators Freeland and Bearss.

*Those who voted in the affirmative were,*

Messrs. Barnett, Bearss, Brookshire, Burke, Ensey, Freeland, Glazebrook, Hawthorn, Hendry, Hostetler, Jackson of Madison, Jackson of Tipton, McCleary, Mansfield, Mathes, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shook, Slater, Vandevanter, and Wilson—22.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Brown, Chapman, Combs, Crane,



Cravens, Crouse Cutshaw, Drew, Griggs, Helm, Parker, Reynolds, Sage, Shields, Spann, Suit, Tarkington, Weston, Williams, Witherow and Woods—23.

So the bill was not re-committed.

Mr. Bearss moved that the Senate adjourn,  
The ayes and noes were demanded by five Senators.

*Those who voted in the affirmative were,*

Messrs. Barnett, Bearss, Brookshire, Chapman, Cutshaw, Freeland, Glazebrook, Hawthorn, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, McCleary, Mansfield, Mathes, Richardson of Spencer, Rugg, Shook, Slater, Vandevanter and Wilson—21.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Brown, Burke, Combs, Crane, Cravens, Crouse, Drew, Ensey, Griggs, Helm, Hostetler, Parker, Reynolds, Richardson of St. Joseph, Sage, Shields, Spann, Suit, Tarkington, Weston, Williams, and Witherow—25.

So the Senate refused to adjourn.

Mr. Tarkington moved the previous question.  
Which was not seconded by the Senate.

Mr. Glazebrook moved the Senate adjourn.  
The ayes were demanded by five Senators.

*Those who voted in the affirmative were,*

Messrs. Bearss, Brookshire, Chapman, Cutshaw, Freeland, Glazebrook, Hawthorn, Hendry, Jackson of Madison, Jackson of Tipton, McCleary, Mansfield, Mathes, Richardson of Spencer, Rugg, Shook, Vandevanter, and Wilson—18.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Barnett, Brown, Burke, Combs, Crane, Cravens, Crouse, Drew, Ensey, Griggs, Helm, Hosbrook, Hostetler, Parker, Reynolds, Richardson of St. Joseph, Sage, Shields, Slater, Spann, Suit, Tarkington, Weston, Williams, Witherow and Woods—28.

So the Senate did not adjourn.

On motion by Mr. Brown,  
The Senate adjourned.

FRIDAY MORNING, 9 O'CLOCK, }  
March 2d, 1855. }

The Senate met.

On motion by Mr. Cravens,  
The reading of the Journal of yesterday was dispensed with.

#### REPORTS FROM COMMITTEES.

Mr. Meeker, from the committee on county and township business, made the following report:

MR. PRESIDENT:

The committee on county and township business, to whom was referred a resolution to inquire into the expediency of abolishing the office of township clerk and treasurer, and to require by law that two of the township trustees discharge the duties of said office of treasurer and clerk, have had the same under consideration, and directed me to report that it is inexpedient to legislate on the subject so late in the session, and ask to be discharged from further consideration of the subject.

The report was concurred in.

Mr. Shook, chairman of the committee on county and township business, made the following report:

MR. PRESIDENT:

The committee on county and township business, to whom was referred a memorial of sundry citizens of Richmond, as to the propriety of district superintendents and the continuance of township libraries, have had the same under consideration, and directed me to report the same back and recommend that it be laid on the table.

The report was concurred in, and the memorial laid on the table.

#### RESOLUTIONS.

On motion by Mr. Harris,

*Resolved*, That the committee on Education be instructed to report the following amendments to House bill 172—Amend so that the township trustees shall have power to levy a tax not to exceed 40 cents on the one hundred dollars valuation, for building and repairing school houses and for the purchase of sites; and also, to appoint a director for such school, whose duty it shall be to take charge of the educational affairs thereof, without more fee than a

credit for two days' work on the road. Amend also, that the township trustees during the sitting of their boards, shall perform all the duties required by the present school law, the enumeration of the children excepted, without any other fee than what they receive for doing township business—repealing that part which compels them to visit the schools. Amend, so as to leave to the several congressional townships, the funds arising from the sale of the 16th section agreeable to the decision of the Supreme Court.

On motion by Mr. Griggs,

*Resolved*, That the Secretary of the Senate have published, for the use of Senators, 500 copies for distribution, of the titles of all bills passed by the General Assembly of this session which have been signed by the Governor, together with a list of Senate bills introduced and failed in either branch.

Leave being granted,

Mr. Slater, chairman of the committee on Federal Relations, made the following report:

MR. PRESIDENT:

The committee on Federal Relations to whom was referred Senate bill No. 181, have had the same under consideration, and have directed me to report it back, and do recommend that the bill be laid upon the table, and request to be discharged from any further consideration of the subject.

The report was not concurred in.

Mr. Robinson moved to amend the bill by adding the following section:

Sec. —. That an act entitled "an act supplemental to an act entitled an act to provide for the incorporation of Railroad companies," approved June 18th, 1852, be and the same is hereby repealed.

Mr. Slater moved to recommit the bill and pending amendment to a select committee.

Which was not agreed to.

The question being on the amendment offered by Mr. Robinson.

It was adopted.

Mr. Slater moved to lay the bill on the table.

Which was not agreed to.

And the bill ordered to be engrossed.

#### ORDERS OF THE DAY.

Messages from the House taken up.

A message from the House, by Mr. Levering, their clerk:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed the engrossed bill of the Senate No. 93, entitled, An act to establish a bank with branches, with one engrossed amendment of the House thereto.

In which the concurrence of the Senate is respectfully requested.

The engrossed amendment of the House to engrossed bill 93 of the Senate, contained in the foregoing message, was concurred in.

*Ordered*, That the Secretary inform the House thereof.

Leave being granted,

Mr. Mansfield, chairman of the committee on Roads, made the following report :

MR. PRESIDENT :

The committee on Roads, to whom was referred House bill No. 27, have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage without amendments.

No. 27. A bill to amend an act entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain duties and those of county and township officers," approved June, 1852.

The report was concurred in, and the bill ordered to a third reading.

Mr. Tarkington, chairman of the committee on Education, made the following report :

MR. PRESIDENT :

The committee on Education, to whom was referred the circular of the Corresponding Secretary of the Teachers State Association, and the petition of many citizens of the county of Tipton, praying for circuit superintendents and township libraries, have had the same under consideration, and have directed me to report that they have had the same under consideration, and reported a bill without circuit superintendents, and incorporated the township library system, which bill is now pending before the Senate for its consideration. The committee therefore desire to be discharged.

The report was concurred in, and the committee discharged from the further consideration thereof.

On motion by Mr. Tarkington,

The vote adopting the resolution of Mr. Harris this morning, was reconsidered,

And the resolution laid on the table.

Leave being granted,

Mr. Glazebrook, from the committee on Federal Relations, made the following report :

MR. PRESIDENT :

The committee on Federal Relations, to whom was referred joint resolution of the Senate, directing our Senators and Representatives in Congress to vote against any change in the naturalization laws, have had the same under consideration, and have directed me to report it back, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Leave being granted,

On motion by Mr. Hawthorn.

House bill No. 199. A bill to repeal sections 2 and 3 of an act entitled "an act to regulate the sale of spirituous liquors, and for the suppression of evils arising therefrom," approved March 4, 1853, and declaring all licenses heretofore issued under said act, null and void, from and after the 1st Monday in April next,

Was taken up and read a second time.

Mr. Hawthorn moved to suspend the rule, and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Brookshire, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Ensey, Freeland, Harris, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Robinson, Rugg, Sage, Shields, Shook, Slater, Tarkington, Williams, Wilson, Witherow and Woods—39.

Messrs. Drew, Richardson of Spencer, and Spann, voting in the negative.

So the rule was suspended, and the bill read a third time.

Mr. Slater moved to lay the bill on the table.

The ayes and noes were demanded by Senators Slater and Hawthorn.

*Those who voted in the affirmative were,*

Messrs. Alexander, Cutshaw, Glazebrook, McCleary, Mathes, Richardson of Spencer, Shields, Shook, Slater and Spann—10.



*Those who voted in the negative were.*

Messrs. Anthony, Barnett, Bearss, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Ensey, Freeland, Harris, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Parker, Reynolds, Richardson of St. Joseph, Robinson, Rugg, Sage, Shields, Suit, Vandevanter, Williams, Wilson Witherow and Woods—35.

So the bill was not laid on the table.

Mr. Slater moved to indefinitely postpone the bill.

Which was not agreed to.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Ensey, Freeland, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Parker, Richardson of St. Joseph, Robinson, Rugg, Sage, Shields, Shook, Suit, Vandevanter, Weston, Williams, Wilson and Woods—34.

*Those who voted in the negative were,*

Messrs. Alexander, Brown, Drew, Glazebrook, McCleary, Mansfield, Mathes, Richardson of Spencer, Slater, Spann and Tarkington—11.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

*House Bills on Third Reading.*

No. 66. A bill for the relief of Henry Wells, treasurer of the county of Lake.

Was read a third time;

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brown, Burke, Chapman, Combs, Crane, Crouse, Cutshaw, Drew, Ensey, Freeland, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Slater, Spann, Suit, Vandevanter, Weston, Williams, Wilson and Woods—39.

*Those who voted in the negative were,*

Messrs. Glazebrook, McCleary, Mathes and Shook—4.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

On motion by Mr. Rugg,  
House bill No. 176. A bill regulating the adoption of heirs;  
Was taken up, and read a second time.

On motion by Mr. Rugg,  
The bill was amended as follows:

Amend by striking out the word "orphan" wherever it occurs in the bill.

Mr. Rugg moved to suspend the rule, and read the bill a third time now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Anthony, Brookshire, Brown, Burke, Chapman, Combs, Crane, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, Mathes, Meeker, Reynolds, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Slater, Suit, Tarkington, Vandevanter, Williams, Wilson, and Woods—36.

No Senator voting in the negative.

So the rules were suspended, and the bill read a third time; and,  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Bearss, Brookshire, Burke, Chapman, Combs, Crane, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Harris, Hawthorn, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Slater, Spann, Suit, Vandevanter, Williams and Wilson—36.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Leave being granted, and by unanimous consent of the Senate, Mr. Vandevanter introduced

Senate joint resolution No. 11. A joint resolution authorizing the Auditor of State to burn canceled State stock paper in certain cases therein specified, and specifying who shall pay for such services.

Was read a first time.

Mr. Vandevanter moved to suspend the rule, and read the joint resolution a second time now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Hendry, Jackson of Madison, Jackson of Tipton, Kightley, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shook, Slater, Vandevanter, Weston, Witherow and Woods—37.

No Senator voting in the negative.

So the rule was suspended, and the joint resolution read a second time by its title.

Mr. Vandevanter moved to suspend the rule, and read the joint resolution a third time.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Griggs, Harris, Hawthorn, Hendry, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of Spencer, Rugg, Sage, Shook, Slater, Suit, Tarkington, Vandevanter, Williams, Wilson, Witherow and Woods—36.

No Senator voting in the negative.

So the rule was suspended, and the joint resolution read a third time.

The question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Griggs, Harris, Helm, Hendry, Hostetler, Jackson of Madison, Jackson of Tipton,

Kightley, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Rugg, Sage, Shook, Suit, Tarkington, Vandevanter, Williams, Wilson, Witherow and Woods—35.

Mr. Hawthorn voting in the negative.

So the joint resolution passed.

*Ordered*, That the Secretary inform the House thereof.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House to inform the Senate, that the House has concurred in the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 10th, and 12th engrossed amendments of the Senate to House bill No. 77, entitled "A bill to fix the times of holding the courts of common pleas, and the length of the terms thereof, in the several counties of this State, and repealing the former laws in reference thereto," and refused to concur in the 11th engrossed amendment to the same, and have concurred in the 9th engrossed amendment, with an engrossed amendment thereto.

In which the concurrence of the Senate is respectfully requested

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House to inform the Senate, that the House has adopted the following resolution of the House, to wit :

*Resolved*, That the Senate be requested to return to the House, House bill No. 77, a bill to fix the times of holding the courts of common pleas, and the length of the terms thereof, in the several counties in this State, and repealing the former laws in reference thereto, with the engrossed amendments of the Senate and House thereto.

In which the concurrence of the Senate is respectfully requested?

The resolution contained in the foregoing message was complied with, and House bill No. 77 returned to the House.

*Ordered*, That the Secretary inform the House thereof.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House to inform the Senate, that the House has passed the following engrossed bill thereof, to-wit :

No. 205. A bill to amend the 6th, 22d, 78th, 79th, 96th, 119th, and 194th sections, and to repeal section 99, of an act entitled "an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors and prescribing the duties of assessors, appraisers of real property, county treasurers, and auditors, and of the treasurer and auditor of State," approved June 21st, 1852.

In which the concurrence of the Senate is respectfully requested.

Mr. Rugg moved that the rules be suspended, and House bill No. 205, contained in the foregoing message, be read a first time by its title.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Alexander, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Suit, Tarkington, Williams, Wilson, Witherow and Woods—41.

No Senator voting in the negative.

So the rule was suspended, and the bill read a first time by its title,

And passed to a second reading.

A message from the House, by Mr. Levering, their Clerk:

**MR. PRESIDENT:**

I am directed by the House to inform the Senate that the House has passed engrossed bill of the Senate.

No. 58. A bill to amend the 24th, 31st, 33d, and 37th sections of an act entitled an act to provide for the opening, vacating, and change of highways, approved June 17th, 1852, with one engrossed amendment thereto.

In which the concurrence of the Senate is respectfully requested.

The engrossed amendment of the House to engrossed bill of the Senate No. 58, contained in the foregoing message, was concurred in.

*Ordered,* That the Secretary inform the House thereof.

A message from the House, by Mr. Levering, their clerk :



MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed the following joint resolution of the House:

No. 2. A joint resolution in relation to the subject of slavery in the territories of Kansas and Nebraska.

In which the concurrence of the Senate is respectfully requested.

Joint resolution No. 2, of the House, contained in the foregoing message,

Was read a first time and passed to a second reading.

Mr. Hawthorn moved to reconsider the vote by which Senate bill No. 172, a bill for the relief of county treasurers, &c., was lost on its passage.

Which was not agreed to.

On motion by Mr. Slater,

Senate bill No. 51. A bill to prevent injuries and destruction of life upon railroads, and by railroad trains, &c.

Was taken from the table.

Mr. Rugg moved to amend as follows:

Strike out the word "stockholders" in 25th section.

Strike out of section 24, 1st line and insert the word "each" after the word "shall," and strike out of same line the word "change."

Strike out of second line "five dollars per day for the time usually employed," and insert "five hundred dollars per year."

Strike out all of section 35.

On motion by Mr. Shields,

The bill and pending amendment was indefinitely postponed.

On motion by Mr. Vandevanter,

The vote by which,

Senate bill No. 190. A bill providing for the protection of game, fixing the time of killing the same, and fixing the penalty for the violation of this act,

Was lost on its passage,

Was reconsidered.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Bearss, Brookshire, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cuts aw, Drew, Ensey, Griggs, Harris, Hendry, Hosbrook, Jackson of Madison, McCleary, Parker, Reynolds, Richardson of St. Joseph, Robinson, Sage, Slater, Suit, Tarkington, Vandevanter, Williams, Witherow and Woods—32.

*Those who voted in the negative were,*

Messrs. Brown, Freeland, Glazebrook, Hawthorn, Helm, Hostetler, Kightley, Mansfield, Mathes, Meeker, Richardson of Spencer, Rugg, Shields, Shook, Spann and Wilson—16.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Leave being granted,

Mr. Hendry, from the committee on the Judiciary, made the following report:

**MR. PRESIDENT:**

The committee on the Judiciary to whom was referred House bill No. 110. "A bill to amend the 32d section of an act entitled, an act defining misdemeanors, and prescribing punishment therefor, approved June 14, 1852," have had the same under consideration, and have directed me to report it back amended by adding to the end of the section, "and this act shall be in force from and after the 12th day of June next," and when so amended recommend its passage.

The report was concurred in, the amendments adopted, and the bill ordered to a third reading.

Mr. Reynolds, chairman of the committee on Claims, made the following report:

**MR. PRESIDENT:**

The committee on Claims to whom was referred a claim of Nathan Compton, for assisting the sheriff of Wayne county in following and returning from Iowa, a fugitive from justice, who was sentenced to the penitentiary, said Compton assisting without compensation, have had the same under consideration, and have directed me to report it back and ask that \$75 be allowed in the bill of specific appropriations.

The report was concurred in, and the claim referred to the committee on Finance.

A message from the House, by Mr. Levering, their clerk:

**MR. PRESIDENT:**

I am directed by the House to inform the Senate, that the House has passed the following engrossed bill thereof, to-wit:

No. 214. An act to apportion the Senators and Representatives for the next six years.

In which the concurrence of the Senate is respectfully requested.

House bill No. 214 contained in the foregoing message was read a first time.

Mr. Rugg moved to suspend the rule, and read the bill a second time now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hosteller, Jackson of Madison, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Suit, Tarkington Vandevanter, Williams, Wilson, Witherow and Woods—42.

No Senator voting in the negative.

So the bill was read a second time by its title.

Mr. Rugg moved to amend the bill as follows:

Strike from the enacting clause and insert the following:

Sec. 1. That for the purpose of electing Senators to the General Assembly of this State for the ensuing six years, the State shall be, and hereby is, divided into the following districts, each of which shall be entitled to one Senator:

Steuben and DeKalb one; Elkhart and Lagrange one; Noble, Kosciusko and Whitley one; Huntington and Wells one; Allen and Adams one; Randolph and Jay one; Delaware, Blackford and Grant one; Miami and Wabash one; Cass, Pulaski and Howard one; St. Joseph, Marshall, Fulton and Starke one; Laporte, Lake and Porter one; Warren, Benton, Jasper and White one; Clinton and Carroll one; Hamilton, Tipton and Boone one; Tippecanoe one; Fountain one; Parke and Vermillion one; Vigo, Sullivan and Clay one; Putnam one; Montgomery one; Hendricks one; Morgan one; Marion one; Madison and Hancock one; Orange and Crawford one; Martin, Knox and Daviess one; Harrison one; Floyd one; Warrick, Spencer and Perry one; Posey and Vanderburgh one; Pike, Gibson and Dubois one; Henry one; Wayne one; Union and Fayette one; Rush one; Franklin one; Shelby one; Johnson one; Owen and Greene one; Monroe and Brown one; Bartholomew and Jennings one; Decatur one; Dearborn one; Ripley one; Switzerland and Ohio one; Jefferson one; Jackson and Scott one; Clark one; Washington one; and Lawrence one.

Sec. 2. The Representatives to the General Assembly for the ensuing six years, shall be apportioned among the several counties of this State as follows:

Wayne, Dearborn, Laporte, Marion, Franklin, Sullivan, Jefferson, Allen, Montgomery and Vigo, shall each elect two; Noble, Whitley, Wabash, Grant, Miami, Kosciusko, Lagrange, St. Joseph, Fulton, Cass, Laporte, Porter, Lake, Carroll, Warren, Clinton, Union, DeKalb, Steuben, Fayette, Hancock, Parke, Fountain, Vermillion, Owen, Morgan, Johnson, Shelby, Decatur, Ripley, Jennings, Bartholomew, Monroe, Brown, Greene, Knox, Daviess, Martin, Gibson, Pike, Dubois, Lawrence, Jackson, Scott, Harrison, Washington, Orange, Crawford, Perry, Spencer, Warrick, Vanderburgh, Elkhart, Hendricks, Adams, Jay, Blackford, Delaware, Randolph, Henry, Clark, Floyd and Hamilton, shall each elect one; Switzerland and Ohio one; Huntington and Wells one; Marshall and Starke one; White and Benton one; Pulaski and Jasper one; and Howard and Tipton one; Madison, Boone, Posey and Clay, shall each elect two in the years 1856 and 1860, and one in the year 1858; Rush, Tippecanoe and Putnam, shall each elect two in the year 1858, and one in the years 1856 and 1860, and Henry shall elect one additional one in the year 1858.

Pending which,

On motion by Mr. Rugg,

The bill and pending amendment was made the special order for 2 o'clock, P. M.

Leave being granted,

By unanimous consent,

Mr Anthony introduced

Senate bill No. 193 A bill to amend Section 8 of chapter 98 of an act entitled "an act to provide for a general and uniform system of common schools, and school libraries, and matters properly connected therewith."

Which was read a first time.

Mr. Anthony moved to suspend the rules and read the bill a second time now,

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Eusey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetter, Jackson of Madison, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Suis, Tarkington, Vandevanter, Williams, Wilson and Witherow—41.

Mr. Spann voting in the negative.

So the rule was suspended and the bill read a second time by its title.

The bill was considered as engrossed.

Mr. Anthony moved to further suspend the rule, and read the bill a third time,

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Chapman, Combs, Crane, Cravens, Crouse, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Kighley, McCleary, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shields, Shook, Suit, Tarkington, Vandevanter, Williams, Wilson, Witherow and Woods—35.

*Those who voted in the negative were,*

Messrs. Brown, Burke, Cutshaw, Drew, Mathes, Reynolds and Spann—7.

So the rules were suspended and the bill read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Kightley, McCleary, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Shields, Shook, Suit, Tarkington, Vandevanter, Williams, Wilson, Witherow and Woods—38

Messrs Cutshaw, Mansfield, and Spann voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

On motion by Mr. Tarkington,  
The vote by which

House bill No. 172. A bill to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof,

Was ordered to a third reading,

Was reconsidered.



Mr. Chapman moved to reconsider the vote on Mr. Shook's amendment.

Which was agreed to.

Mr. Shook then withdrew his amendment

Mr. Shook moved to amend as follows:

Strike out so much of the bill as provides for congressional instead of civil townships, and so amend the bill as to conform with the amendment hereby made.

The ayes and noes were demanded by Senators Shook and Wilson.

*Those who voted in the affirmative were,*

Messrs. Brown, Burke, Combs, Crane, Cravens, Crouse, Ensey, Freeland, Glazebrook, Griggs, Harris, Hendry, Hosbrook, Jackson of Madison, McCleary, Mathes, Meeker, Parker, Reynolds, Sage, Shook, Slater, Wilson, and Witherow—25.

*Those who voted in the negative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Chapman, Cuthshaw, Harris, Helm, Hostetler, Kightley, Mansfield, Robinson, Shields, Spann, Suit, Tarkington, Williams, and Woods—18.

So the amendment was adopted.

Mr. Shook offered the following amendment:

Strike out so much of the bill as provides for the retaining the tax collected in each county, and restore the provision in the bill as introduced.

The ayes and noes were demanded by Senators Shook and Wilson.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Brown, Chapman, Crouse, Glazebrook, Harris, Hawthorn, Jackson of Madison, Mansfield, Mathes, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Shook, Tarkington, Vandevanter, Wilson and Witherow—23.

*Those who voted in the negative were,*

Messrs. Bearss, Brookshire, Burke, Combs, Crane, Drew, Ensey, Hosbrook, Jackson of Tipton, Kightley, Meeker, Robinson, Slater, Spann, Williams and Woods—19.

So the amendment was adopted.

On by motion Mr. Tarkington,

The bill was referred to the committee on Education.

A message from the House, by Mr. Levering, their clerk.

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate, that the Speaker has signed House bills Nos. 12, 52, 80 and 105, and bring the same to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

Mr. Hostetler, Chairman of the committee on Enrolled Bills, made the following report :

**MR. PRESIDENT :**

The committee on Enrolled Bills, have compared the enrolled with the engrossed copy of Senate bill No. 93 ; a bill to establish a bank with branches, and find the same correctly enrolled.

A message from the House, by Mr. Levering, their clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate, that the Speaker of the House has signed Senate bill No. 93, entitled "an act to establish a bank with branches."

Whereupon the President signed the same.

Mr. Hostetler, from the joint committee on Enrolled Bills, made the following report :

**MR. PRESIDENT :**

The joint committee on Enrolled Bills, have this day at 11 o'clock A. M., presented to the Governor for his approval, Senate bill No. 93, an act to establish a bank with branches.

A message from the House, by Mr. Levering, their clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate, that the Speaker has signed House bills Nos. 93, and —, and bring the same to the Senate, for the signature of the President thereof.

Whereupon the President signed the same.

A message from the Governor, by Mr. King, Executive messenger :

MR. PRESIDENT :

I am directed by the Governor to inform the Senate, that he has approved and signed the following bills, to-wit :

No. 16. An act in relation to plank, McAdamized, tram and gravel road companies.

No. 112. An act to give additional power to the State Board of Colonization.

No. 115. An act to prevent the defalcation of certain officers therein named, and to provide penalties therefor.

No. 134. An act to repeal sec. 50, chap. 10 of an act entitled "an act providing for the settlement of decedent's estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17th, 1852, and providing for credit on the sale of personal property and legalizing settlements of executors and administrators in certain cases.

No. 138. An act to fix the time of holding the circuit courts in the ninth judicial circuit.

Which bills originated in the Senate.

On motion by Mr. Slater,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

On motion by Mr. Anthony,

A call of the House was ordered.

The Secretary proceeded with the call, when the following Senators answered to their names.

Messrs Alexander, Anthony, Barnett, Brown, Burke, Chapman, Combs, Crane, Crouse, Drew, Glazebrook, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Williams and Wilson—33.

The absentees were sent for.

The absentees all having come within the bar of the Senate, except Senators Freeland, McCleary, Parker and Weston.

On motion by Mr. Reynolds,

The further call was suspended.

Special order taken up, being

House bill No. 214. A bill to apportion the Senators and Representatives for the next six years;

With pending amendment offered by Mr. Rugg.

The question being on the amendment;

The ayes and noes were demanded by Messrs. Barnett, and Bearss.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Combs, Drew, Glazebrook, Griggs, Hawthorn, Helm, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Shields, Shook, Slater, Spann, Tarkington and Woods—28.

*Those who voted in the negative were,*

Messrs. Bearss, Chapman, Crane, Cravens, Crouse, Ensey, Harris, Hendry, Meeker, Parker, Robinson, Sage, Suit, Vandevanter, Weston, Williams, Wilson and Witherow—20.

So the amendment was adopted.

The question then being on the engrossment of the bill.

The ayes and noes were demanded by Senators Suit and Freeland.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Cutshaw, Drew, Glazebrook, Griggs, Hawthorn, Helm, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shields, Shook, Slater, Spann, Tarkington and Woods—28.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Chapman, Combs, Crane, Cravens, Crouse, Ensey, Freeland, Harris, Hendry, Meeker, Parker, Robinson, Sage, Suit, Vandevanter, Weston, Williams, Wilson and Witherow—21.

So the bill was ordered to be engrossed.

Mr. Rugg moved to suspend the rule, and read the bill a third time now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Cutshaw, Drew, Glazebrook, Griggs, Hawthorn, Hosbrook, Hostetler.

Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Reynolds, Richardson of Spencer, Rugg, Shields, Shook, Slater, Spann, Tarkington and Woods—27.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Chapman, Combs, Crane, Cravens, Crouse, Ensey, Harris, Helm, Hendry, Meeker, Parker, Robinson, Sage, Suit, Vandevanter, Weston, Williams, Wilson and Witherow—22.

So the rule was not suspended.

A message from the House by Mr. Levering, their clerk :

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following joint resolution thereof:

No. 24. A joint resolution directing the Attorney General to investigate a claim of Morehead, Hall & Co., against the State, and report the testimony in relation thereto to the next General Assembly.

In which the concurrence of the Senate is respectfully requested.

Joint resolution No. 24 contained in the foregoing message was read a first time.

Mr. Reynolds moved to suspend the rule, and read the joint resolution a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—45.

No Senator voting in the negative.

So the rules were suspended, and the joint resolution read a second time by its title.

On motion by Mr. Reynolds,

The joint resolution was referred to a select committee consisting of Senators Reynolds, Suit, Alexander and Cravens.

On motion by Mr. Hostetler,



Senate bill No. 64. A bill to repeal an act entitled "an act to authorize and regulate the business of general banking," approved May 28, 1852;

Was taken up.

The question being on the passage of the bill.

Mr. Shook moved to recommit with the following instruction :

Amend the bill so as to provide that the banks that have continued to do a legitimate business, and that have not and shall not refuse to redeem their issues in coin, may have two years to close up their business.

Mr. Anthony moved to strike out two years and insert one.

Which was not agreed to.

Mr. Anthony moved to lay the motion to recommit with instructions on the table.

The ayes and noes were demanded by Senators Anthony and Hostetler.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brown, Chapman, Crane, Cravens, Cutshaw, Ensey, Hostetler, Jackson of Tipton, Mansfield, Robinson, Shields, Spann, Suit, Tarkington, Vandevanter, Williams and Woods—18.

*Those who voted in the negative were,*

Messrs. Barnett, Bearss, Brookshire, Burke, Combs, Crouse, Drew, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Hendry, Hosbrook, Jackson of Madison, Kightley, McCleary, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shook, Slater, Weston, Wilson and Witherow—31.

So the motion to recommit with instructions was not laid on the table.

Mr. Harris moved to lay the bill and pending instructions on the table.

The ayes and noes were demanded by Senators Tarkington and Shields.

*Those who voted in the affirmative were,*

Messrs. Bearss, Brown, Burke, Combs, Crouse, Ensey, Freeland, Griggs, Harris, Hawthorn, Hendry, Hosbrook, Jackson of Madison, Kightley, Meeker, Richardson of St. Joseph, Richardson of Spencer, Robinson and Wilson—19.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Chapman, Crane, Cutshaw, Glazebrook, Hostetler, Jackson of Tipton, Mc-

Cleary, Mansfield, Mathes, Parker, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington. Vandevanter, Weston, Williams, Witherow and Woods—25.

So the bill and instructions were not laid on the table.

Mr. Jackson of Tipton moved to amend the instructions as follows: Insert a section prohibiting the banks now organized from issuing or extending their present circulation, with a penalty attached thereto; also, that no new banks shall be organized.

Which was accepted by Mr. Shook.

Mr. Shields moved to amend the instructions, so as to provide that the auditor shall surrender an amount of notes equal to any bond so deposited.

Which was accepted by Mr. Shook.

The question being on recommitting the bill with instructions,

The ayes and noes were demanded by Senators Shook and Shields.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Burke, Combs, Crane, Crouse, Drew, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Vandevanter, Weston, Wilson and Witherow—34.

*Those who voted in the negative were,*

Messrs. Alexander, Brookshire, Cravens, Cutshaw, Ensey, Parker, Shields, Spann, Suit, Tarkington, Williams, and Woods—14.

So the bill was recommitted to the committee on Banks.

### *Senate Bills on Second Reading.*

No. 191. A bill to extend relief to John D. Howland and David D. Jones, for services by them performed under the existing laws of this State,

Was read a second time, and ordered to be engrossed.

Senate bill No. 192. A bill to provide for printing the laws of the present session of the General Assembly.

Was read a second time, and the bill considered as engrossed.

Mr. Jackson of Tipton moved to suspend the rules and read the bill a third time.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Burke, Combs, Crane, Crouse, Cutshaw, Drew, Glazebrook, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Tarkington, Weston, Williams, Wilson, Witherow and Woods—38.

No Senator voting in the negative.

So the rule was suspended and the bill read a third time.  
The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brown, Burke, Combs, Crane, Crouse, Cutshaw, Drew, Glazebrook, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shook, Slater, Spann, Tarkington, Weston, Williams, Wilson, Witherow and Woods—36.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

On motion by Mr. Reynolds,

House bill No. 27, a bill to amend an act entitled "an act, providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers," approved June 18th, 1852,

Was taken from the files, and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brookshire, Burke, Combs, Crane, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Reynolds, Rugg, Sage, Suit, Tarkington, Witherow and Woods—32.

*Those who voted in the negative were,*

Messrs. Barnett, Helm, Richardson of St. Joseph, Richardson of Spencer, Shields, Shook, Slater, Spann, Williams and Wilson—10.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

A message from the House, by Mr. Levering their clerk :

**MR. PRESIDENT:**

I am directed by the House to inform the Senate, that the House has passed engrossed bill of the Senate :

No. 151. A bill relating to the State University, and supplemental to, and amendatory of an act entitled "an act providing for the government of the State University, the management of its funds, and for the disposition of the lands thereof," approved June 17th, 1852, and providing for the appointment of two commissioners, and for the sale of lands granted to the State for the use of the University, and for securing a more economical administration of its affairs, by lessening the number of its board of trustees, and limiting the expenses of managing its funds, with sundry engrossed amendments of the House thereto.

In which the concurrence of the Senate is respectfully requested

The engrossed amendments of the House to engrossed bill of the Senate, No. 151, contained in the foregoing message,  
Were concurred in.

*Ordered*, That the Secretary inform the House thereof.

A message from the House by Mr. Levering, their clerk :

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate, to-wit :

No. 139. A bill to provide for the election of officers for the State Prison, and for the appraisement of the property of said prison, with the accompanying engrossed amendment of the House thereto.

In which the concurrence of the Senate is respectfully requested.

The engrossed amendments of the House, to engrossed bill of the Senate, No. 139, contained in the foregoing message,  
Were concurred in.

*Ordered*, That the Secretary inform the House thereof.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill thereof :  
 No. 233. A bill declaring express companies to be common carriers, and providing for the safety of articles entrusted to their care.  
 In which the concurrence of the Senate is respectfully requested.

House bill No. 233 contained in the foregoing message,  
 Was read a first time and passed to a second reading.

A message from the House, by Mr. Levering, their Clerk:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has reconsidered the vote concurring in the second engrossed amendment of the Senate to,

House bill No. 77. An act fixing the times of holding the courts of common pleas, &c.

And have refused to concur in the said amendment.

The Senate concurred in engrossed amendment of the House, to engrossed amendments of the Senate to engrossed bill of the House No. 77, contained in the foregoing message.

And recede from 2nd amendment of the Senate to the same bill.

*Ordered*, That the Secretary inform the House thereof.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House to inform the Senate, that the House has passed the following joint resolution thereof :

House joint resolution No. 15. A joint resolution to amend the 2nd section of the 2nd article of the Constitution of the State of Indiana.

In which the concurrence of the Senate is respectfully requested.

House join resolution No. 15, contained in the foregoing message,  
 Was read a first time, and passed to a second reading.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed engrossed bill of the Senate, to-wit :



No. 159. A bill to change the time of holding courts in the 11th judicial circuit.

With one engrossed amendment of the House thereto.

In which the concurrence of the Senate is respectfully requested.

Engrossed amendment of the House to engrossed bill of the Senate No. 159, contained in the foregoing message,

Was concurred in.

*Ordered*, That the Secretary inform the House thereof.

Mr. Anthony, chairman of the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred Senate bill No. 124, a bill extending the admissability of records in evidence, have had the same under consideration, and have directed me to report it back and recommend that the bill be indefinitely postponed.

The report was concurred in, and the bill indefinitely postponed.

Mr. Anthony, chairman of the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the Judiciary, to whom was referred Senate bill No. 126, a bill to quiet titles to real estate, have had the same under consideration, and have directed me to report it back, and recommend that the bill be indefinitely postponed.

The report was concurred in, and the bill indefinitely postponed.

Mr. Anthony, chairman of the committee on the Judiciary, made the following report :

MR. PRESIDENT :

The committee on the Judiciary, to whom was referred Senate bill No. 19, a bill authorizing executors and administrators to pay claims against decedent's estates in certain cases, without the approval of court of common pleas," have had the same under consideration, and have directed me to report it back, and recommend that the bill be indefinitely postponed.

The report was concurred in, and the bill indefinitely postponed.

Mr. Anthony, chairman of the committee on the Judiciary, made the following report :

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 173, a bill to increase the compensation of the judges of the circuit courts, and to repeal all laws now in force fixing the same, have had the same under consideration, and have instructed me to report it back without amendment, and recommend its passage.

The report was concurred in, and the bill laid on the table.

Mr. Brown, chairman of the committee on Benevolent Institutions, made the following report:

MR. PRESIDENT:

The committee on benevolent institutions, to whom was referred Senate bill No. 114. A bill to provide for the erection of houses of refuge for juvenile offenders in the State of Indiana, and the appointment of trustees to manage the same, have had that subject under consideration, and have directed me to report the same back and recommend that it be laid on the table.

The report was concurred in, and the bill laid on the table.

Mr. Rugg, chairman of the committee on the Organization of Courts, made the following report:

MR. PRESIDENT:

The committee on organization of courts, report and recommend that the following be added to section 25, to-wit: "And section thirty and thirty-one be, and they are hereby revived, and declared to be in full force from and after the taking effect of this act." And all laws conflicting therewith, are repealed.

The report was concurred in, amendment adopted, and the bill laid on the table.

On motion by Mr. Anthony,

The vote referring the Senate school bill to the committee on the Judiciary,

Was reconsidered.

Mr. Tarkington, chairman of the committee on Education, made the following report:

MR. PRESIDENT:

The committee on Education, to whom was referred engrossed amendments of the Senate, to engrossed bill of the House No. 172, together with sundry amendments of the Senate to the engrossed amendments, have had the same under consideration, and have directed me to report that they have carefully examined the same,

and according to order, have made the engrossed amendments conform to the amendments adopted this day by the Senate. Your committee therefore report the engrossed amendments as amended, back to the Senate with the bill, and recommend its passage.

The report was concurred in and the bill ordered to a third reading.

*House Bills on Second Reading.*

No. 88. A bill to amend the 14th section of chap. 101, approved June 17th 1852, entitled, "an act to enable trustees to receive lands and donations, and to convey the same for the use of schools, churches, religious societies, &c., Masonic and Odd Fellows' Lodges, Sons and Daughters of Temperance, and for the construction of cemeteries, houses of worship, and other buildings therein mentioned.

Was read a second time, and ordered to a third reading.

No. 197. A bill to prevent fraud in the sale of flour, pork and beef.

Was read a second time and ordered to a third reading.

No. 216. A bill for the better support and management of the Indiana Institute for the Education of the Blind, and repealing a former act in reference thereto.

Was read a second time and ordered to a third reading.

On motion by Mr. Shook,  
The order of business was suspended, and

House bill No. 172. A bill providing for a general system of common schools, the officers thereof, &c.,

Was taken from the files.

Mr. Shook moved to suspend the rules and read the bill a third time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were.*

Messrs. Anthony, Barnett, Brookshire, Combs, Crane, Cravens, Crouse, Cutshaw, Ensey, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Reynolds, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Tarkington, Williams, Wilson, Witherow and Woods—38.

No Senator voting in the negative.

So the rule was suspended, and the bill read a third time.  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brown, Burke, Combs, Crane, Chapman, Crouse, Cutshaw, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Hendry, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Meeker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Suit, Shields, Shook, Tarkington, Weston, Williams, Wilson, Witherow and Woods—34.

*Those who voted in the negative were,*

Messrs. Brookshire, Helm, Hosbrook, Hostetler, Mathes, Parker, Slater, and Spann—8.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed without amendment engrossed bill of the Senate No. 133, entitled A bill to fix the commencement of the terms of certion county officers, and to render the same uniform.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed without amendment the following engrossed bills of the Senate, to-wit :

No. 153. A bill to legalize the sale of certain lands lying in section 16, made by county auditors and treasurers.

Also,

No. 164. A bill to provide for the settlement of claims of the lessees of the State Prison.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has concurred in engrossed amendment of the Senate to House bill No. 176, entitled "A bill regulating the adoption of heirs."

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the Speaker has signed House bills Nos. 87, 161, 212, 199, 66, 121 and 176, and bring the same to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House to inform the Senate, that the House has concurred in engrossed amendments of the Senate to engrossed bill of the House No. 27. A bill to amend an act entitled an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers, approved June 18th, 1852

On motion by Mr. Cravens.  
The Senate adjourned

SATURDAY MORNING, 9 O'CLOCK, }  
March 3, 1855. }

The Senate met.

On motion by Mr. Meeker,  
The reading of the Journal of yesterday was dispensed with.

#### REPORTS FROM COMMITTEES.

Mr. Richardson of St. Joseph, chairman of the committee on Corporations, made the following report :

MR. PRESIDENT :

The committee on Corporations, to whom was referred House bill No. 102, entitled "an act to amend section 17 and part of sec-



tion 18 of an act incorporating the Lagro, Marion and Jonesboro Plank Road Company," have had the same under consideration, and instructed me to report the same back without amendment and recommend its passage.

The report was concurred in, the bill read a third time; and The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brown, Chapman, Combs, Cravens, Crouse, Cutshaw, Drew, Ensey, Glazebrook, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Shook, Slater, Suit, Tarkington, Vandevanter, Weston, Williams and Wilson—34.

*Those who voted in the negative were,*

Messrs. Brookshire, Freeland, Hostetler, Rugg, Shields, Spann and Witherow—7.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

The following message was received from his Excellency, the Governor, by Mr. King, Executive messenger :

**MR. PRESIDENT :**

I am directed by his Excellency, the Governor, to communicate to the Senate, the accompanying bill No. 93, "an act to establish a bank with branches," which originated in that body, together with his message in relation to the same.

*Gentlemen of the Senate :*

I return to you bill No. 93, entitled "An act to establish a bank with branches," which originated in the Senate, with a very brief statement of the reasons which impel me to withhold my approval of the same. The bill has been before me but a few hours, and I hasten (as the period allotted by the constitution, for your deliberations is near its close,) to give the representatives of the people an opportunity for a reconsideration.

I deeply regret that this measure has been presented at this late period of the session, when the pressure of other duties prevents me from giving it that consideration which its importance demands

The momentous issues involved in the establishment of such an

institution, (which may issue paper to an unlimited amount, and whose charter cannot be repealed or amended within twenty years without its own consent,) might well make one, charged with a part of the responsibility of legislation, pause before approving this bill.

It would seem that a question so vitally affecting the public interests, ought to have been preceded by a general and full discussion before the people, yet it is not believed that the propriety of the incorporation by the present legislature of a bank with branches, was generally discussed before the people. The power of the present State bank to issue bills, &c., continuing under its charter for two years more, it seems to have been the general impression that the question of the re-charter of the State bank or the establishment of any similar banking institution would be postponed for the consideration of the next General Assembly.

This consideration alone might be sufficient to induce me to throw upon the General Assembly the burthen of a reconsideration.

But there are other considerations far more potent in my own judgment, why I should not approve the bill.

It is by no means clear that all the provisions of the bill are constitutional. Section 15 of the bill provides, that "the capital stock of said bank or branches shall not be taxed for municipal purposes." Section 23 of the bill of rights provides, that "the General Assembly shall not grant to any citizen or *class of citizens* privileges or immunities, which, upon the same terms, shall not equally belong to all citizens. It is not perceived how the immunity from taxation for municipal purposes which is here allowed to a class of citizens, while none others are exempted, (except as expressly provided for in the constitution) is consistent with the constitutional provision above quoted.

In considering the bill with a view to its *policy*, I am met at the outset with a provision which is startlingly anomalous. The 79th section, after providing for twenty days notice of the opening of the books for the original subscription of stock, by its obvious import allows the books to be closed, if the "requisite amount" shall then be subscribed, at the end of the very moment at which they are opened. Thus one man may subscribe the entire amount of stock of one or more branches, and a moneyed monopoly as odious and frightful as any of which the history of American legislation furnishes an example, may suddenly be established. The 84th section of the charter of the present State Bank, the language of which is copied, word for word, in many parts of this bill, expressly provided that the books for the original subscription of stock should be "kept open between the hours of nine and twelve o'clock A. M., of each day, for the space of thirty days;" yet this wise safe-guard, in the case of the present bill, would seem to have been studiously omitted. It is believed that no provision similar to the one in this bill cited, exists in the charter of any other moneyed corporation in this country. If there were

no other objection to this bill, I never could lend the sanction of the Executive approval to a bank bill containing this provision.

The bank is authorized to receive on deposit, moneys, bullion, plate, and other articles of value of small bulk, upon such terms as may be agreed upon between the parties; and the bank has a right to discount paper to the amount of *three times the amount of the capital stock paid in, and three times the amount of the deposits*. Thus the bank would seem to be left to determine what are valuable articles, other than moneys, bullion, and plate, provided they be of small bulk, and also their value without reference to their immediate convertibility into money, and might discount to an amount equal to three times such assumed value, as well as three times the value of the capital stock and other deposits. In case of a financial crisis, what kind of a security is furnished for the redemption of the paper? The security of issues, resting on such a basis, is altogether illusory. It is believed, too, that the right to emit so large an issue of paper, upon such an amount and kind of securities, is unparalleled in the history of legislation. And as if this were not enough, the character of the State is invoked to its support, by conferring on it the imposing title of "*The Bank of the State of Indiana.*"

Whatever abuses may be developed—whatever injuries may result from the establishment of this bank, no corrective can be applied by the people, through their representatives, *without the assent of the President and Directors of the bank and every branch thereof*, until the expiration of twenty years, when the constitution requires that the bank shall cease its operations. And the State, while limited by the constitution to the establishment of one bank with branches, mutually responsible for each others' issues, &c., is not at liberty in any case, to meet the increasing commercial wants of the State, incident to the development of her resources and the increase of her population, by the establishment of any other branch or branches, without the assent of the boards of directors of two-thirds of the branches.

Gentlemen, in the midst of this financial crisis, the closing events of which will furnish the fruits of a valuable, even though a bitter experience, why is it necessary now, when the present State bank is in full operation, to attempt precipitately to establish another State bank with branches? The problem of banking is not yet solved, and it is well for a statesman to wait patiently, when no necessity urges, to gather as many of the ripe fruits of experience as practicable.

Why not then wait till the State bank has closed up its affairs? Why not wait till it has furnished its final expose? Why not see, from the manner in which its transactions wind up, what is the necessity of a similar institution, and in what condition it leaves the country? A suspicion would seem to be implied that when the State bank comes to be wound up, it will not be so easy as now to

procure from the General Assembly, a charter for a similar institution.

Considering the present bill, in relation to the powers which it confers upon the bank, the vast capital authorized, and its machinery generally, as hostile to the genius of our institutions; and regarding with distrust its present introduction, without having been preceded by a full discussion before the people; deeming that the present financial crisis teaches us to be tardy, rather than precipitate in entering upon new experiments; and looking upon it, at least, as singular that an emergency should be declared in the bill requiring it to take effect immediately, while the present State bank may continue to issue a currency for the next two years, I cannot, gentlemen, consistent with a sense of official duty, forbear to return to you the bill, and respectfully intreat you to give it a careful reconsideration.

Respectfully submitted,

JOSEPH A. WRIGHT.

The message was then taken up.

And the question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding.

On motion by Mr. Slater,

A call of the Senate was ordered.

The Secretary proceeded with the call, when the following Senators answered to their names:

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Burke, Combs, Crane, Cravens, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—49.

On motion by Mr. Suit,

The further call was suspended.

Mr. Shook moved to lay the bill and message on the table.

The ayes and noes were demanded by Senators Shook and Hawthorn.

*Those who voted in the affirmative were,*

Messrs. Barnett, Bearss, Brookshire, Chapman, Cutshaw, Freeland, Glazebrook, Hawthorn, Hendry, Hosbrook, Jackson of Madison, Kightley, McCleary, Mansfield, Mathes, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shook, Slater and Vandevanter—21.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Brown, Burke, Combs, Crane, Cravens, Crouse, Drew, Ensey, Griggs, Harris, Helm, Hostetler, Jackson of Tipton, Meeker, Parker, Reynolds, Robinson, Shields, Spann, Suit, Tarkington, Weston, Williams, Witherow and Woods—28.

So the bill and message was not laid on the table.

Mr. Shook moved to postpone the further consideration of the bill and message until 4 o'clock, P. M.

The ayes and noes were demanded by Senators Shook and Kightley.

*Those who voted in the affirmative were,*

Messrs. Barnett, Bearss, Brookshire, Cutshaw, Glazebrook, Hawthorn, Hendry, Jackson of Madison, Kightley, McCleary, Mansfield, Mathes, Richardson of Spencer, Rugg, Shook, and Slater—16.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Griggs, Harris, Helm, Hosbrook, Hostetler, Jackson of Tipton, Meeker, Parker, Reynolds, Richardson of St. Joseph, Robinson, Sage, Shields, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—34.

So the bill and message were not so postponed.

The question being, shall the bill pass the objections of the Governor to the contrary notwithstanding?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brown, Burke, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Griggs, Harris, Helm, Hostetler, Jackson of Tipton, Meeker, Parker, Reynolds, Richardson of St. Joseph, Robinson, Shields, Spann, Suit, Tarkington, Weston, Williams, Wilson, Witherow and Woods—30.

*Those who voted in the negative were,*

Messrs. Barnett, Bearss, Brookshire, Chapman, Cutshaw, Glazebrook, Hawthorn, Hendry, Hosbrook, Jackson of Madison, Kightley, McCleary, Mansfield, Mathes, Richardson of Spencer, Rugg, Sage, Shook, Slater and Vandevanter—20.

So the bill passed the veto of the Governor to the contrary notwithstanding.

*Ordered,* That the Secretary inform the House thereof.



A message from the House, by Mr. Levering their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill thereof:

No. 215. A bill to legalize the records of any proceedings in reference to roads heretofore made by the clerk of any court in any county of this State.

In which the concurrence of the Senate is respectfully requested.

House bill No. 215, contained in the foregoing message, was read a first time.

Mr. Anthony moved to suspend the rules, and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Robinson, Rugg, Sage, Shields, Shook, Suit, Tarkington, Vandevanter, Wilson, and Woods—38.

No Senator voting in the negative.

So the rules were suspended and the bill read a second time by its title.

The bill was considered as engrossed.

Mr. Anthony moved to further suspend the rule, and read the bill a third time.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Chapman, Crane, Crouse, Drew, Ensey, Freeland, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Rugg, Sage, Shook, Suit, Tarkington, Vandevanter, Weston, Wilson, Witherow and Woods—33.

Messrs. Cutshaw and Shields voting in the negative.

So the rule was suspended and the bill read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Bearss, Brown, Burke, Combs, Crane, Cravens, Drew, Ensey, Freeland, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Robinson, Rugg, Sage, Shields, Shook, Suit, Tarkington, Vandevanter, Weston, Wilson, Witherow and Woods—39.

Messrs. Brookshire and Cutshaw voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Leave being granted,

Mr. Reynolds, from a select committee, made the following report.

MR. PRESIDENT :

The select committee to whom was referred House joint resolution No. 24, have had the same under consideration, and have directed me to report the accompanying amendment; and when so amended, recommend its passage.

And whereas H. K. Wright and Jacob Barcus, also have a claim against the State of Indiana for moneys due on contract for the construction of said canal, prior to the transfer thereof to said board of trustees of said Wabash and Erie Canal. And whereas, there is the same difficulty in getting a full investigation of said claim before the appropriate committees of the respective branches of the Legislature, that there is in the claim above provided for, although your committee are of the opinion that said claim should be investigated, and if just, paid; And whereas, such claim, if found just, is also chargeable upon the said canal, therefore,

Sec. 4. *Be it further resolved*, That the said Attorney General be and he is hereby directed to investigate the said claim of the said Wright and Barcus, and to report the testimony relating thereto to the ensuing session of the General Assembly, in like manner provided for in the case of Morehead, Hall & Co.

Sec. 5. *Be it further resolved*, That the said Attorney General be, and he is hereby directed to give the same notice and to conduct his examination of the said claim of said Wright and Barcus, and make his report thereof, in the same manner as is provided in the 2d, 8th and 3d sections of these resolutions, and that all expenses of said investigation shall be paid by the said Wright and Barcus.

On motion by Mr. Reynolds,

The bill and amendments were laid on the table.

Mr. Sage, chairman of the committee on manufactures, made the following report :

MR. PRESIDENT :

The committee on Manufactures, to whom was referred a petition of sundry individuals of Jeffersonville township, in Clark county, Ind., asking for a change in the law in regard to the weight of mineral coal, beg leave to report that as there has already been a law passed by the present Legislature upon the subject, it is unnecessary to legislate further. They therefore ask to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Shook, from the committee on Banks, made the following report :

MR. PRESIDENT :

The committee on Banks, instruct me to report back Senate bill No. 64, amended as per instructions.

No. 64. A bill to repeal an act entitled "an act to authorize and regulate the business of banking."

Mr. Witherow moved to lay the report and bill on the table.

The ayes and noes were demanded by Senators Shook and Slater.

*Those who voted in the affirmative were,*

Messrs. Anthony, Burke, Combs, Crane, Cravens, Crouse, Drew, Freeland, Griggs, Harris, Helm, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Meeker, Parker, Reynolds, Richardson of St. Joseph, Sage, Spann, Suit, Weston, Williams, Wilson, and Witherow—27.

*Those who voted in the negative were,*

Messrs. Barnett, Bearss, Brookshire, Chapman, Cutshaw, Glazebrook, Hawthorn, Hendry, Kightley, McCleary, Mansfield, Mathes, Richardson of Spencer, Rugg, Shields, Shook, Slater, Vandevanter, and Woods—19.

So the report and bill were laid on the table.

On motion by Mr. Shook,

The following message from the House of Representatives was taken up :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House

has passed the following engrossed bill thereof, the objections of the Governor to the contrary notwithstanding :

No. 93. A bill to amend an act to authorize and regulate the business of general banking.

In which the concurrence of the Senate is respectfully requested.

*Gentlemen of the House of Representatives :*

I respectfully return to you bill No. 93, entitled "An act to amend an act to authorize and regulate the business of general banking," which originated in the House of Representatives, with a brief statement of the reasons for withholding my signature. I regret that so short a time has been allowed me for examining the bill, (it having been received by me at a late hour last night,) but I return it thus early in order to afford to the representatives of the people as much time for reconsidering its provisions as possible.

The most serious objection to the bill is the almost unlimited discretionary power which it confides to a single officer—the Auditor of State—such as the power at any time to change the stocks which are a security for the issues of a bank, the power to determine, in organizing a bank, the question of residence, the power to determine whether a good defence exists or not to a protested note—thus determining in effect whether the bank shall be wound up or not.

There is an ostensible effort, to be sure, to distribute the powers under the bill to the Governor, Auditor, and Secretary of State; but on examination it will be found that those powers which should be most narrowly watched are confided to the Auditor alone.

There can be no objection to the Auditor signing and registering the bills, but here his duties should cease. It is not good policy to confide a trust requiring so much judgment, so much reflection, so large a knowledge upon financial questions, and so delicate a caution at every step, to any one person, and especially to one, the onerous duties of whose office it is known are quite enough at least to engross the entire attention of any one man. An error of judgment, whether committed through ignorance, or haste, or incaution, is equally disastrous. Besides, while I have not the slightest reason to call in question the integrity of the late Auditor, or the present incumbent, yet it is not too much to say, that the vast interests which might be brought to bear upon an Auditor under the present law to secure a particular construction, or the doing or forbearing to do a particular act, might be well calculated to shake the integrity of any man who is not fortified by a more immovable virtue than usually falls to the lot of men.

It is proposed, however, by the present bill, to devolve a share of the responsibilities and labor of the system upon the Governor and Treasurer of State. To show the impolicy of this provision it is sufficient to say that the duties now imposed by law upon those officers are as great as they are able fitly to perform. To assume properly to discharge the duties imposed, would necessarily involve



a neglect of some other of the public interests. It is not well to impose duties so great and multifarious upon any one officer.—There is a limit to those which he is able to perform or properly supervise, and when that limit is passed the duties have to be entrusted to others, who are not elected by and are irresponsible to the people.

The bill of 1852 was surely loose enough, but the construction given to it by the Auditor, and the power exercised under it by him, have abundantly satisfied me that nothing short of a separate Bank Department, having the custody of the securities, the bills, the plates, the dies, &c., will insure a system worthy of the slightest confidence of the people.

We have been sufficiently warned by the experience of the past two years, that where corporations have once obtained power, it is almost impossible by legislation to arrest the evils to which they give rise. An earnest effort was made in the Legislature two years ago to correct those evils in the free bank system, which were obvious to every reflecting person; yet nothing could be effected. And now again after the lapse of two years, during which period sharpers and brokers have literally been rioting upon the substance of the people, and after eight weeks labor of the people's representatives, a measure is offered which does not at all strike at the root of these evils; and which, in its effects, it is feared, will rather aggravate than allay, them. Owing to the general loss of confidence in the general free bank system, which has grown out of the shameless frauds which have been practiced under it, the evils which those banks are able to commit, have, to a considerable extent, been corrected by the general distrust of those institutions. But is feared that the present bank bill would increase those evils, by providing no sufficient safeguard against their recurrence, and by exciting confidence from being ushered in under the auspices of an effort to put an end to the causes of the present discontent.

By the present bill, stocks of every State and Territory of the United States at whatever price speculators and brokers may give them in New York are to furnish the basis of banking; and the scene is again to be renewed, of speculators and brokers seeking our State, to issue paper to circulate as money, and when the ripe moment arrives to depreciate the stocks upon which they are based, buy up their paper at a heavy discount and reap from the industrial classes of the State immense gains.

The experience of other States where a system of banking based upon public stocks has been tried, has demonstrated to them the insecurity resulting from the indiscriminate reception of all State stocks; and after the calamities of the past two years, it would be well for us to defer to that experience. In New York it is believed that no stocks are received as a basis for banking but those of that State and the United States.

If a like system were adopted by us, the intelligence of the people as to the resources and financial condition of the State, and indeed



of the General Government, would furnish them a proper estimate of the worth of our State and United States stocks, and the value of the paper issued upon them would not be fluctuating according to the news received daily from Wall street.

In relation to the financial resources and condition of other States the people cannot generally acquaint themselves, and the value of paper issued upon them must necessarily be affected by every day's transactions at the stock board at New York. In my judgment, too, the business of banking should be limited to our own citizens, so that the banker's personal character, and State pride, might be an additional safeguard against fraud. And it should be provided with the utmost precision, and under the sternest penalties, that the business of the banks should be transacted at the place where the bills are made payable.

It was competent under the law of 1852 for the Auditor to wind up any bank not doing business at the place where its bills were payable. Yet a majority never pretended to do so, from the commencement to the present day. The Legislature was respectfully urged by me in 1853 to direct by law that this class of banks should be thus wound up. That recommendation was earnestly renewed by me at the present session, yet it is to be regretted that the present Legislature has not seen fit to take any action on the subject. Near one hundred thousand dollars of interest was paid in cash, on the 1st of January, 1855, in New York, upon stocks in banks which have refused, for more than five months past, to redeem a dollar of their paper; yet the paper issued upon those stocks is passing for less than the value of the stocks, and no action has yet been taken for the realization of this large amount of interest, which should have added greatly to the value of the paper.

If this sum of money has been invested as required by law, in additional securities, no information of that fact has been made public. This of itself shows the impropriety of leaving these questions so deeply affecting the interest of the people to any other than a Bank department, in the hands of men of high financial character, having the confidence of the people, and specially charged with so important a trust.

There is much ostensible effort made in this bill to secure the bill holder after the bank has failed, but very insignificant precautions are provided to prevent the failure.

The laborer, who ignorant of the details of banking, is always seized with the first panic, will dispose of his paper at a ruinous discount, but the broker may be amply provided for!

Entertaining fixed opinions in favor of a gold and silver currency, no bill can receive my sanction which does not in my judgment provide, in the first place, an unquestionable security for the bill holder, and secondly, a most certain safeguard against the recurrence of the distressing evils which have grown out of the present bank system.

It is said the present law will continue if this bill does not pass.

Be this as it may, the responsibility does not rest upon the executive department.

My views were so clearly stated in my last two messages, that it is hardly possible they could have been misunderstood.

It is my deliberate conviction that the discretionary powers given by this bill are equally as large and would be productive of evils equally as disastrous as those in the act of which it is amendatory.

An examination of the Auditor's office will convince any person of the insecurity of the stocks, dies, plates, &c., there deposited.

Thousands of dollars have been returned, marked and cut, yet unregistered and undestroyed, and liable again to be put in circulation.

Notes have been presented to banks for payment, which have never been registered.

It is impossible, gentlemen, to give the public confidence in any system managed as the present has been; and the sooner it is put into other hands competent and faithful, or entirely wound up, the better it will be for the people and for the character of the State, which has suffered a loss already which it will take years to retrieve.

Respectfully submitted,

JOSEPH A. WRIGHT.

On motion by Mr. Shook,

A call of the Senate was ordered.

The Secretary proceeded with the call, when the following Senators answered to their names:

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—49.

The Senators all having come within the bar of the Senate, except Mr. Robinson,

On motion by Mr. Helm,

The further call was suspended.

The question being on the passage of the bill, the veto of the Governor to the contrary, notwithstanding.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Griggs, Harris,

Hawthorn, Helm, Hendry, Hosbrook, Jackson of Tipton, Kightley, Meeker, Parker, Reynolds, Richardson of St. Joseph, Robinson, Rugg, Sage, Spann, Suit, Tarkington. Vandevanter, Weston, Williams, Wilson, Witherow and Woods—36.

*Those who voted in the negative were,*

Messrs. Barnett, Bearss, Brookshire, Cutshaw, Glazebrook, Hostetler, Jackson of Madison, McCleary, Mansfield, Mathes, Richardson of Spencer, Shields, Shook and Slater—14.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

A message from the House, by Mr. Levering, their clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed without amendment, the following engrossed bill of the Senate.

No. 144. An act to authorize the Governor to contract for the completion of the cells and cell house at the State prison, and appropriating a sum of money for the same.

Mr. Hostetler, chairman of the committee on Enrolled Bills, made the following report:

**MR. PRESIDENT:**

The committee on enrolled bills, have compared the enrolled with the engrossed copy of Senate bill No. 54. A bill to amend the first section of an act approved May 13th, 1852, entitled "an act providing for the appointment of deputies for certain officers, and prescribing their duties and liabilities ;

Also,

No. 58. A bill to amend the twenty-fourth, the thirty-first, the thirty-third and the thirty-seventh sections on an act entitled "an act to provide for the opening, vacating and change of highways," approved June 17th, 1852 ;

Also,

No. 159. A bill to change the time of holding courts in the eleventh judicial circuit ;

Also,

No. 164. A bill to provide for the settlement of claims of the Lessee of the State Prison ;

Also,

No. 133. A bill to fix the commencement of the terms of certain county officers, and to render the same uniform, and find the same correctly enrolled.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House to inform the Senate, that the Speaker has signed Senate bills Nos. 164, 133, 157, 159, 58 and 54 ; which I am directed by the House to return to the Senate.

Whereupon the President signed the same.

Mr. Hostetler, from the joint committee on Enrolled Bills, made the following report :

MR. PRESIDENT :

The joint committee on Enrolled bills, have this day presented to the Governor for his approval,

Senate bill No. 54. An act to amend the first section of an act approved May 13th, 1852, entitled " an act providing for the appointment of deputies for certain officers, and prescribing their duties and liabilities ; "

Also,

No. 58. An act to amend the 24th, 31st, 33d and the 37th sections of an act entitled an act to provide for the opening, vacating and change of highways, approved June 17th, 1852 ;

Also,

No. 159. An act to change the time of holding courts in the eleventh judicial circuit ;

Also,

No. 164. An act to provide for the settlement of claims of the Lessee of the State Prison ;

Also,

No. 133. An act to fix the commencement of the terms of certain county officers, and to render the same uniform ;

Also,

No. 151. An act relating to the State University, supplemental to, and amendatory of the second section of an act entitled an act providing for the government of the State University, the management of its funds, and for the disposition of the lands thereof, approved June 17th, 1852, and for the securing an economical administration of its affairs, by lessening the number of its board of trustees and limiting the expenses of managing its funds, and to extend the time of final payment for university lands, and to exempt purchasers of such lands from forfeiture of the same, and to provide for the sale of forfeited lands.

Mr. Hostetler, chairman of the committee on Enrolled Bills, made the following report :

MR. PRESIDENT :

The committee on enrolled bills, have compared the enrolled with

the engrossed copy of Senate bill No. 153. A bill to legalize the sale of certain lands lying in section 16, made by county auditors and treasurers ;

Also,

No. 139. A bill to provide for the election of officers for the State Prison, and for the appraisement of the property of said Prison, and find the same correctly enrolled.

Also,

No. 144. An act to authorize the Governor to contract for the completion of the cells and cell house at the State Prison, and appropriating a sum of money for the same, and find the same correctly enrolled.

Mr. Hostetler, chairman of the committee on Enrolled Bills, made the following report :

MR. PRESIDENT :

The committee on enrolled bills have compared Senate bill No. 151, with the engrossed bill thereof, which is entitled as follows :

An act relating to the State University, supplemental to, and amendatory of the second section of an act entitled "an act providing for the government of the State University, the management of its funds, and for the disposition of the lands thereof," approved June 17, 1852, and for securing a more economical administration of its affairs, by lessening the number of its board of trustees, and limiting the expenses of managing its funds, and to extend the time of final payment for university lands, and to exempt purchasers of such lands, from forfeiture of the same, and to provide for the sale of forfeited lands, and find the same correctly enrolled.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed the following engrossed bill of the Senate :

No. 93. A bill to establish a bank with branches ;

The Governor's veto to the contrary notwithstanding, which I am directed to return to the Senate.

A message from the Governor, by Mr. King, Executive messenger :

MR. PRESIDENT :

I am directed by the Governor to inform the Senate, that he has approved and signed the following bills, to-wit :

No. 54. An act to amend the first section of an act, approved May 13, 1852, entitled "an act providing for the appointment of



deputies for certain officers, and prescribing their duties and liabilities."

No. 58. An act to amend the 24th, 31st, 33d and 37th sections of an act entitled "an act to provide for the opening, vacating and change of highways," approved June 17th, 1852.

No. 133. An act to fix the commencement of the terms of certain county officers, and to render the same uniform.

No. 151. An act relating to the State University, supplemental to, and amendatory of the second section of an act entitled "an act providing for the government of the State University, the management of its funds, and for the disposition of the lands thereof," approved June 17, 1852, and for securing a more economical administration of its affairs, by lessening the number of its board of trustees, and limiting the expenses of managing its funds; and to extend the time of final payment for university lands, and to exempt purchasers of such lands from forfeiture of the same, and to provide for the sale of forfeited lands.

No. 159. An act to change the time of holding courts in the eleventh judicial circuit.

No. 164. An act to provide for the settlement of claims of the Lessee of the State Prison.

Which bills originated in the Senate.

On motion by Mr. Anthony,  
The Senate adjourned.

2 O'CLOCK, P. M.

The Senate met.

A message from the House, by Mr. Levering, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to-wit:

No. 235. A bill to authorize the establishment of public schools in the incorporated cities and towns, and in the civil townships of the several counties of the State of Indiana.

In which the concurrence of the Senate is respectfully requested.

House bill No. 235, contained in the foregoing message,  
Was read a first time.

Mr. Crane moved to suspend the rule and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brown, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Meeker, Parker, Richardson of St. Joseph, Robinson, Rugg, Sage, Shields, Shook, Slater, Weston, Williams, Wilson, Witherow and Woods—37.

No Senator voting in the negative.

So the rules were suspended, and the bill read a second time.

Mr. Jackson of Tipton moved to amend as follows:

Strike out all that relates to the citizens petitioning the township trustees to levy a tax.

Also amend "that the trustees levy a tax not to exceed ten cents on the one hundred dollars.

Which was not adopted.

On motion by Mr. Brown,

The bill was referred to the committee on Education.

Mr. Richardson of Spencer, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred House bill No. 6, a bill to fix the times of holding courts of common pleas in the counties of Perry, Spencer and Dubois, have had that subject under consideration, and have instructed me to report the same back and ask that it be laid on the table.

The report was concurred in, and the bill laid on the table.

House Bill No. 214. A bill to apportion the Senators and Representatives for the next six years,

Was taken up.

On motion by Mr. Slater,

A call of the Senate was ordered.

The Secretary proceeded with the call when the following Senators answered to their names:

Messrs Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton

Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vanlevanter, Weston, Williams, Wilson, Witherow and Woods—50.

The Senators all having answered to their names,

On motion by Mr. Slater,

The further call was suspended.

Mr. Griggs moved to reconsider the vote ordering House bill No. 214 to a third reading.

Mr. Anthony called the previous question, which was not seconded.

The question recurring on Mr. Griggs motion to recorder,

It was not agreed to.

The bill was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Crane, Cutshaw, Drew, Glazebrook, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shields, Shook, Slater, Spann, and Tarkington—28.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Chapman, Combs, Cravens, Ensey, Freeland, Griggs, Harris, Meeker, Parker, Robinson, Sage, Suit, Vandevanter, Williams, Wilson and Witherow—19.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

A message from the House, by Mr. Levering, their clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate, that the House has refused to concur in engrossed amendments of the Senate to House bill,

No. 172. A bill to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof.

The Senate refused to recede from their engrossed amendments to House bill No. 172 contained in the foregoing message, and insist upon said amendments.

*Ordered*, That the Secretary inform the House thereof.

*House Bills on Third Reading.*

No. 88. An act to amend the 14th section of chapter 101, approved June 17, 1852, entitled "An act to enable trustees to receive lands and donations, and convey the same for the use of schools, churches, religious societies, Masonic and Odd Fellows' lodges, Sons and Daughters of Temperance, and for the construction of cemeteries, houses of worship, or other buildings therein mentioned."

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Suit, Tarkington, Weston, Wilson and Witherow—40.

Messrs. Brookshire and Woods voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

A message from the House, by Mr. Levering, their clerk:

MR. PRESIDENT :

I am directed by the House to inform the Senate, that the House has passed the following engrossed bill of the Senate:

No. 179. An act fixing the time of holding the circuit courts in the fifth judicial circuit;

With one engrossed amendment.

In which the concurrence of the Senate is respectfully requested

The engrossed amendment of the House to engrossed bill of the Senate No. 179, contained in the foregoing message was concurred in.

*Ordered*, That the Secretary inform the House thereof.

A message from the House, by Mr. Levering, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill of the Senate, to-wit:

No. 140. A bill to provide for the government and discipline of the State Prison;

With three sundry engrossed amendments thereto.

In which the concurrence of the Senate is respectfully requested.

Engrossed amendments of the House to engrossed bill of the Senate No. 140, contained in the foregoing message, were concurred in.

*Ordered*, That the Secretary inform the House thereof.

A message from the House, by Mr. Levering, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed engrossed bill thereof:

No. 218. An act making general appropriations for the years 1855 and 1856.

In which the concurrence of the Senate is respectfully requested.

House bill No. 218 contained in the foregoing message, was read a first time.

Mr. Anthony moved to suspend the rules and read the bill a second time,

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington Vandevanter, Weston, Williams, Wilson, Witherow and Woods—47.

Mr. Barss voting in the negative.

So the rules were suspended and the bill read a second time by its title.

The bill was considered as engrossed.

Mr. Anthony moved to further suspend the rule, and read the bill a third time



The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brown, Burke, Chapman, Combs, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Slater, Tarkington, Vandevanter, Weston, Williams, Wilson, Witherow and Woods—45.

No Senator voting in the negative.

So the rules were suspended and the bill read a third time.

On motion by Mr. Spann,

The vote ordering the bill to be engrossed, was reconsidered.

Mr. Spann moved to strike out the appropriation to the Blind Asylum "\$44,624 58" and insert "\$35,000."

Which was not agreed to.

Mr. Spann moved to strike out "\$79,488 00" in the appropriation for the Insane, and insert "\$60,000."

Which was not adopted.

Mr Shook moved to strike out \$25,000 for the Veranda for the Deaf and Dumb Asylum.

Which was not agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Harris, Hawthorn, Helm, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Suit, Vandevanter, Williams, Wilson and Woods—39.

*Those who voted in the negative were,*

Messrs. Brookshire, Griggs, Hendry, Mansfield, Mathes, Shook, Slater, Spann and Witherow—9.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

On motion by Mr. Reynolds,

House joint resolution No. 24. A joint resolution directing the attorney general to investigate a claim of Morehead, Hall & Co., against the State, and report the testimony in relation thereto, to the next General Assembly.

Was taken from the table.

The amendments reported by the committee were concurred in.

Mr. Reynolds moved to suspend the rule, and read the joint resolution a third time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brookshire, Brown, Burke, Chapman, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Parker, Reynolds, Richardson of St. Joseph, Robinson, Rugg, Sage, Spann, Suit, Vandevanter, Williams, Witherow and Woods—36.

*Those who voted in the negative were,*

Messrs. Bearss, Cutshaw, Kightley, Mathes, Richardson of Spencer, Shook and Wilson—8.

So the rule was suspended, and the joint resolution read a third time.

The question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Griggs, Harris, Hostetler, Jackson of Madison, Jackson of Tipton, Parker, Reynolds, Richardson of St. Joseph, Robinson, Rugg, Sage, Spann, Suit, Williams, Witherow and Woods—26.

*Those who voted in the negative were,*

Messrs. Barnett, Bearss, Brookshire, Cutshaw, Freeland, Glazebrook, Hawthorn, Hendry, Hosbrook, Kightley, McCleary, Mansfield, Mathes, Meeker, Richardson of Spencer, Rugg, Shook, Slater, Vandevanter, and Wilson—20.

So the joint resolution passed.

The title was amended by adding the names of "H. K. Wright," and "Jacob Barcas."

*Ordered,* That the Secretary inform the House thereof.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House to inform the Senate, that the House insists upon their refusal to concur in engrossed amendments of the Senate to engrossed bill of the House, No. 172, entitled a bill to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof, and have appointed the following committee of free conference, upon the same, upon the part of the House:—Messrs. Hester and Frazer.

On motion by Mr. Tarkington,

The Senate insist on their engrossed amendments, and a committee of free conference, consisting of Senators Tarkington and Shields, were appointed said committee on the part of the Senate, to act with a similar committee already appointed on the part of the House.

*Ordered*, That the Secretary inform the House thereof.

Mr. Alexander, chairman of the committee on Banks, made the following report :

MR. PRESIDENT :

The committee on Banks, to whom was referred sundry resolutions of the Senate, and various petitions on the subject of banks, have instructed me to report the same back, and ask to be discharged from the further consideration of the subject.

The report was concurred in.

### *House Bills on Third Reading.*

No. 216. A bill for the better support and management of the Indiana Institute for the Education of the Blind, and repealing a former act in reference thereto,

On motion by Mr. Hosbrook,  
Laid on the table.

No. 197. A bill to prevent fraud in the sale of flour, pork, beef, &c.,

Was read a third time.

The question being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bearss, Brown, Chapman, Combs, Crane. Cravens, Crouse, Cutshaw, Drew, Freeland, Glazebrook, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Suit, Vandevanter, Wilson, Witherow and Woods—39.

Messrs. Brookshire and Spann, voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

### *Senate Bills.*

No. 181. A bill to repeal an act to prevent railroad companies from changing their depots, except on conditions therein named.

On motion,

Laid on the table.

No. 191. A bill to extend relief to John D. Howland and Daniel D. Jones, for services by them performed under the existing laws of this State.

On motion by Mr. Slater,

Laid on the table.

### *Senate Joint Resolutions on third Reading.*

No. 7. A joint resolution directing our Senators and Representatives in Congress, to vote against any change in the naturalization laws,

Was taken up.

On motion by Mr. Spann,

The further consideration of the joint resolution was postponed until Monday next, 9 o'clock. A. M.

Mr. Woods, chairman of the committee on Temperance, made the following report :

MR. PRESIDENT :

The committee on Temperance, to whom was referred sundry petitions and resolutions of the Senate on the subject of Temperance, have had the same under consideration, and hereby report them back and ask to be discharged from any further action thereon.

The report was concurred in.

On motion by Mr. Drew,

*Resolved*, That the door-keeper be instructed to furnish each member of the Senate, who does not already possess them, two volumes of the proceedings and debates of the constitutional convention of this State, (as the House has passed a similar resolution) and the copies distributed, to be laid on the desk of Senators on Monday morning.

A message from the House, by Mr. Levering, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed engrossed bill of the Senate No. 103, entitled a bill to amend section 19 of an act for the government of the Indiana Hospital for the Insane of Indiana, approved Jan. 15, 1852, with sundry engrossed amendments of the House thereto.

In which the concurrence of the Senate is respectfully requested.

The engrossed amendments of the House to engrossed bill of the House, No. 103, contained in the foregoing message,  
Were concurred in.

*Ordered*, That the Secretary inform the House thereof.

A message from the House by Mr. Levering, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 206. A bill to amend an act entitled "an act for the incorporation of cities and towns, defining their powers, providing for the election of officers thereof, and declaring their duties, and declaring certain taxes legal, and to provide for the manner of giving notices by the trustees of incorporated towns and cities."

House bill No. 306, contained in the foregoing message,  
Was read a first time.

Mr. Bearss moved to suspend the rules, and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Drew, Ensey, Griggs, Harris, Helm, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Meeker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shook, Slater, Spann, Suit, Vandevanter, Williams, Wilson, Witherow and Woods—36.

No Senator voting in the negative.



So the rule was suspended, and the bill read a second time by its title.

Mr. Bearss moved to suspend the rule, and read the bill a third time now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Parker, Richardson of Spencer, Rugg, Sage, Shook, Slater, Spann, Suit, Vandevanter, Williams, Wilson, Witherow and Woods—38.

No Senator voting in the negative.

So the rules were suspended, the bill read a third time ; and,  
The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Slater, Spann, Vandevanter, Williams, Wilson, Witherow and Woods—42.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

On motion,

A re-count was taken on House bill,

No. 118. A bill to provide a site, system of government and plan for the erection of a State House of Refuge, for the correction and reformation of juvenile offenders.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Anthony, Burke, Chapman, Combs, Crouse, Drew, Ensey, Freeland, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, McCleary, Parker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Suit, Vandevanter, Williams, Wilson, Witherow and Woods—28.

*Those who voted in the negative were,*

Messrs. Alexander, Barnett, Bearss, Brookshire, Brown, Crane, Cravens, Cutshaw, Glazebrook, Hostetler, Kightley, Mansfield, Mathes, Meeker, Robinson, Sage, Shook, Slater, Spann, and Tarkington—20.

So the bill passed

*Ordered*, That the Secretary inform the House thereof.

Leave being granted,

Mr. Anthony offered the following resolution :

*Resolved*, That when the Senate adjourn, it will adjourn to meet this evening at 7 o'clock.

Which was agreed to.

A message from the House, by Mr. Levering their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill thereof:

House bill No. 173. A bill to provide for the erection and repair of bridges, and to repeal an act to provide for the erection and repair of bridges, approved May 22, 1852.

Mr. Anthony moved to suspend the rules and read House bill No. 173, contained in the foregoing message a first time now by its title.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Robinson, Rugg, Sage, Shields, Shook, Suit, Vandevanter, Williams, Wilson, and Withe-row—41.

No Senator voting in the negative.

So the rule was suspended, and the bill read a first time by its title.

Mr. Anthony moved to further suspend the rule, and read the bill a second time now.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Bearss, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Suit, Vandevanter, Williams, Wilson and Witherow—43.

No Senator voting in the negative.

So the rules were suspended and the bill read a second time by its title.

Mr. Anthony moved to further suspend the rule, and read the bill a third time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Slater, Suit, Vandevanter, Williams, Wilson and Witherow—43.

No Senator voting in the negative.

So the rule was suspended and the bill read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Griggs, Harris, Hawthorn, Helm, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Richardson of St. Joseph, Robinson, Rugg, Sage, Shook, Slater, Suit, Williams, Wilson, Witherow and Woods—36.

*Those who voted in the negative were,*

Messrs. Brown, Glazebrook, Hostetler, McCleary, Mansfield, and Richardson of Spencer—6.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

A message from the House, by Mr. Levering their clerk :

MR. PRESIDENT :

I am directed by the House to inform the Senate, that the House has passed the following engrossed bill thereof :

House bill No. 174. A bill authorizing the State of Indiana to relinquish her interest in the real estate herein set forth.

House bill No. 174 contained in the foregoing message was read a first time.

Mr. Slater moved to suspend the rule, and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were.*

Messrs. Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shiells, Shook, Slater, Tarkington, Vandevanter, Williams, Wilson, Witherow and Woods—44.

No Senator voting in the negative.

So the rule was suspended and the bill read a second time by its title.

Mr. Slater moved to suspend the rule, and read the bill a third time.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Giazebrook, Harris, Hawthorn, Helm, Hendry, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Shook, Slater, Suit, Tarkington, Vandevanter, Williams, Wilson, Witherow and Woods—41.

No Senator voting in the negative.

So the rule was suspended, and the bill read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Bearss, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Harris, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Williams, Wilson, Witherow and Woods—44.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

A message from the House, by Mr. Levering, their clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate, that the House has passed engrossed bill of the Senate, to-wit : No. 236. An act making specific appropriations for the year 1855.

In which the concurrence of the Senate is respectfully requested.

Mr. Anthony moved to suspend the rules and read bill No. 236, contained in the foregoing message, a first time by its title.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Suit, Tarkington, Vandevanter, Williams, Wilson, Witherow and Woods—17.

No Senator voting in the negative.

So the rule was suspended, and the bill read a first time by its title.

Mr. Anthony moved to further suspend the rule, and read the bill a second time.

The ayes and noes were taken under the constitution.



*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Vandevanter, Williams, Wilson, Witherow and Woods—45.

No Senator voting in the negative.

So the rules were suspended, and the bill read a second time by its title; and

On motion by Mr. Tarkington,  
Referred to the committee on Finance.

Mr. Tarkington, chairman of the committee on Education, made the following report:

MR. PRESIDENT:

The committee on Education, to whom was referred House bill No. 235. A bill to authorize the establishment of public schools in the incorporated cities and towns, and in the civil townships, &c., have had the same under consideration, and have directed me to report that they strike out all after section 2nd, and civil townships, and townships, wherever it occurs in the bill, and after so amended, recommend its passage.

The report was concurred in, amendment adopted, and the bill ordered to be engrossed.

Mr. Crane moved to suspend the rule and read the bill a third time.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Drew, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Suit, Vandevanter, Williams, Wilson, Witherow and Woods—40.

Messrs. Bearss, Cutshaw and Slater, voting in the negative.

So the rules were suspended, and the bill read a third time.

The question being shall the bill pass?

Pending which,

On motion by Mr. Hawthorn,

The Senate adjourned.

7 o'clock, P. M.

The Senate met.

The question being at the adjournment, on the passage of House bill No. 235.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brown, Burke, Chapman, Combs, Crane, Crouse, Drew, Ensey, Glazebrook, Griggs, Harris, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Mansfield, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Suit, Tarkington, Williams, Wilson, With-  
erow and Woods—31.

*Those who voted in the negative were,*

Messrs. Bearss, Brookshire, McCleary, Mathes, Meeker, Parker, Shields, Shook, Slater, and Spann—10.

So the bill passed.

The title was amended by striking out "and towns and in the civil townships."

*Ordered,* That the Secretary inform the House thereof.

Mr. McCleary, chairman of the committee on Finance, made the following report:

MR. PRESIDENT:

The committee on Finance to whom was referred House bill No. 236, "an act making specific appropriations for the year 1855," have had the same under consideration, and have directed me to report it back with sundry amendments, and when so amended recommend its passage.

Add the following sections:

Sec. —. That Stewart & Bowen be allowed the sum of twenty

dollars and seventy cents, for stationery furnished for the use of the Senate.

Sec. —. That H. A. Fletcher be allowed the sum of four dollars and fifteen cents, for stationery furnished for the use of the Senate.

Sec. —. That J. M. Talbott & Co. be allowed the sum of three dollars, for stationery furnished for the use of the Senate.

Sec. —. That D. R. Eckles be allowed the sum of one hundred dollars, for services as attorney for the State.

Sec. —. That Henry Secrest be allowed the sum of one hundred dollars, for services as attorney for the State.

Sec. —. That James Nesbit and Henry Pierce be each allowed the sum of one hundred dollars, for services rendered in the arrest of Nicholas Evans, a criminal.

Sec. —. That Benjamin P. Fuller be allowed the sum of one hundred dollars, for pursuing and arresting George Watts, charged with murder.

Sec. —. That Nathan Compton be allowed seventy five dollars, for assisting in the arrest of Henry Presnel, a fugitive from justice.

Sec. —. That Craighead and Browning be allowed the sum of nineteen dollars and sixty cents, for stationery furnished for the use of the Senate.

Sec. —. That A. Graydon and Son be allowed the sum of thirty-five cents, for stationery furnished for use of the Senate.

Sec. —. That Wm. A. Porter be allowed the sum of twenty-five dollars, for services as prosecuting attorney of 2d Indiana circuit.

Sec. —. That Charles G. Warner be allowed the sum of one hundred and thirteen dollars, for expenses attending and services rendered in the Huntington county contested election case.

Sec. —. That John D. Fisher and Jonathan Lewis be each allowed the sum of thirty-five dollars and forty cents for mileage and attendance as witnesses in the Huntington county contested election.

Sec. —. That Michael Miller be allowed the sum of thirty dollars, for mileage and attendance as witness in the Huntington county contested election.

Sec. —. That Bowen Hall be allowed the sum of thirty-three dollars and twenty-five cents, for mileage and attendance in the Huntington county contested election.

Sec. —. That Jno. D. Howland be allowed the sum of three hundred dollars, for services as attorney in certain cases arising under the school law of 1852.

Sec. —. That Daniel D. Jones be allowed the sum of twenty dollars, for services for prosecuting a State case by order of the judge of the 4th judicial circuit.

Sec. —. That Wm. B. Taylor be allowed the sum of sixteen dollars, for cleaning up and opening the Senate chamber and services as doorkeeper.

Sec. —. That Austin H. Brown be allowed the sum of one

hundred and four dollars, for Debates of the Constitutional Convention furnished by order of the Senate.

Sec. — That the heirs of Wm. Sill, deceased, be allowed the sum of three thousand dollars, for work, labor and materials furnished for use of the Wabash and Erie Canal at the mouth of Wea creek, Tippecanoe county.

Amend section 2, by adding after the word "finance," "and judiciary."

Also, add after "J. L. Drew," "and Wm. Bigler, assistant door-keeper of the Senate."

In the section allowing Gov. Wright  $12\frac{1}{2}$  cents for deeds to each tract of swamp land, strike out " $12\frac{1}{2}$ " and insert "20."

In section 63, strike out "4000" and insert "6000."

The report was concurred in, amendments adopted and the bill ordered to be engrossed.

Mr. Shook moved to suspend the rule, and read the bill a third time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Tipton, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Williams, Wilson, Witherow and Woods—43.

No Senator voting in the negative.

So the rule was suspended and the bill read a third time.

On motion by Mr. Shook,

The vote by which the bill was read a third time, was reconsidered.

On motion by Mr. Shook,

The vote concurring in the amendments of the committee on Finance was reconsidered,

The question being on concurring in the amendments of the Committee.

Mr. Harris moved to strike out of Sec. — the allowance made to "Mr. Milligan," as witness in the contested case from Huntington county.

Which was not agreed to.

Mr. Shook moved to strike out from Sec. — the amount of \$3000 to the heirs of Wm. Sill.

The ayes and noes were demanded by Senators Suit and Shook.

*Those who voted in the affirmative were,*

Messrs. Barnett, Brookshire, Cutshaw, Ensey, Freeland, Glazebrook, Hawthorn, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Richardson of Spencer, Rugg, Sage, Shields, Shook, Slater and Wilson—24.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Bearss, Burke, Chapman, Combs, Crane, Cravens, Drew, Griggs, Harris, Parker, Reynolds, Richardson of St. Joseph, Robinson, Spann, Suit, Tarkington, Williams, Witherow and Woods—22.

So the section was struck out.

The amendment offered by the committee to Sec. 63, striking out 4,000 and inserting 6,000.

Was not adopted.

Mr. Hawthorn moved to amend by inserting in the first section, the principal and assistant clerk \$4 per day, the balance of the clerks \$3 per day.

The ayes and noes were demanded by Senators Drew and Hawthorn.

*Those who voted in the affirmative were,*

Messrs. Barnett, Bearss, Brookshire, Brown, Cravens, Ensey, Freeland, Glazebrook, Griggs, Hawthorn, Helm, Hendry, McCleary, Mansfield, Mathes, Meeker, Shook, Slater, Spann and Witherow—20.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Burke, Combs, Crane, Crouse, Cutshaw, Drew, Griggs, Harris, Hostetler, Jackson of Madison, Jackson of Tipton, Parker, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Sage, Suit, Tarkington, Wilson and Woods—24.

So the amendment was not adopted.

Mr. Suit offered the following amendment :

Strike out " three dollars " and insert " four dollars," as the allowance to the assistant doorkeepers and clerks of committees.

Mr. Bearss moved to amend the amendment by striking out " four dollars " and insert " three dollars " for doorkeepers.

Which was adopted.



The question then recurring on the amendment as amended.  
It was adopted.

Mr. Shook offered the following amendment :

Sec. — That there is hereby allowed to G. W. Chapman, the sum of \$38, for taking depositions, &c., in the contested seat in the counties of Huntington and Wells.

Which was adopted.

Mr. Jackson of Madison offered the following amendment :

Sec. — The judges of the supreme court are hereby required to make such allowance to Reuben A. Riley, late prosecuting attorney in the 5th judicial circuit, as they may think just and right, for causes submitted and briefed by him in the supreme court, while he was such prosecuting attorney, wherein the State was a party, to be audited and paid as other appropriations.

Which was adopted

Mr. Freeland offered the following amendment :

Sec. — That the sum of five thousand dollars, be appropriated to the colonization board, for the purpose of African colonization, to be expended according to the existing colonization laws.

Which was adopted.

Mr. Suit moved to amend by adding :

That Wm. T. Otto and Jno. S. Davis, be allowed the sum of three hundred dollars for professional services rendered at the request of the Warden of the State Prison, in thirty cases on habeas corpus in the Floyd, Clark, and Lawrence circuit courts.

Which was adopted.

Mr. Witherow moved to add

Sec. — The sum of three hundred dollars is hereby appropriated to H. E. Wilson, of Hendricks Co., for the purpose of perfecting and patenting a machine known as the Indiana Corn Cutter; the above amount to be paid when said Wilson shall present a working model of said machine to the Governor, Auditor, and Treasurer of State, approved by the State Board of Agriculture, together with a bond in which he shall bind himself to give the inhabitants of this State free use of said machine.

Which, on motion by Mr. Slater, was laid on the table.

On motion by Mr. Sage,

The vote whereby sec. —. allowing claim to heirs of Wm. Sill, was stricken out,

Was reconsidered.

The question being on Mr. Shook's motion to strike out sec. —.,

The ayes and noes were demanded by Senators Witherow and Shook.

*Those who voted in the affirmative were,*

Messrs. Barnett, Brookshire, Cutshaw, Hendry, Hosbrook, Hostetler, Jackson of Tipton, Mansfield, Mathes, Meeker, Richardson of Spencer, Rugg, Shields, Shook, Slater, and Wilson—16.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Bearss, Brown, Burke, Chapman, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Griggs, Harris, Hawthorn, Jackson of Madison, Kightley, McCleary, Parker, Reynolds, Richardson of St. Joseph, Robinson, Sage, Spann, Suit, Tarkington, Williams, Witherow and Woods—30.

So the section was not stricken out.

Mr. Shook moved to add the following section :

Sec. —. That all the world and the rest of mankind shall have an equal distribution *pro rata* of what *little* remains in the treasury. Which, on motion by Mr. Parker, was laid on the table.

Mr. Griggs moved to amend as follows :

Add to the 11th section, "the principal clerk being sick."

Which was adopted.

Mr. Brookshire moved to amend by adding the following :

Sec. —. That John H. Harrison be allowed one hundred dollars for inventing a snare for sheep-killing dogs.

Which, on motion by Mr. Griggs, was laid on the table.

Mr. Meeker moved to amend as follows :

Strike out the words "one fourth per cent. upon the amount of said fund by him received, and one-fourth of one per cent by him disbursed" and insert in lieu thereof, "five hundred dollars for receiving and disbursing the swamp land fund."

Mr. Shields moved to lay the amendment on the table.

The ayes and noes were demanded by Senators Shields and Hendry.

*Those who voted in the affirmative were,*

Messrs. Anthony, Burke, Cutshaw, Ensey, Griggs, Harris, Helm, Hostetler, Jackson of Tipton, Richardson of St. Joseph, Shields, Suit, Tarkington, and Woods—17.

*Those who voted in the negative were,*

Messrs. Barnett, Bearss, Brown, Crane, Cravens, Drew, Freeland, Glazebrook, Hawthorn, Hendry, Hosbrook, Jackson of Tipton, Kightley, McCleary, Mansfield, Meeker, Parker, Reynolds, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Spann, Williams, Wilson, and Witherow—29.

So the amendment was not laid on the table.

The question being on the adoption of the amendment,

The ayes and noes were demanded by Senators Hawthorn and Hendry.

*Those who voted in the affirmative were,*

Messrs. Barnett, Bearss, Brown, Combs, Cravens, Drew, Freeland, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Reynolds, Richardson of Spencer, Robinson, Sage, Shook, Slater, Spann, Williams, Wilson, Witherow and Woods—30.

*Those who voted in the negative were,*

Messrs. Alexander, Anthony, Burke, Crane, Cutshaw, Ensey, Harris, Hostetler, Jackson of Madison, Jackson of Tipton, Richardson of St. Joseph, Rugg, Shields, Suit, and Tarkington—14.

So the amendment was adopted.

Mr. Shook moved to strike out "four dollars" per day as door-keeper for W. Dew of the House, and insert "three dollars."

Which was agreed to.

Mr. Bearss moved to amend so as to allow C. G. Warner no additional pay for subpoenaing witnesses from the counties of Huntington and Wells.

Which was not agreed to.

The bill was read a third time,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brown, Burke, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Glazebrook, Harris, Hawthorn, Helm, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Meeker, Reynolds, Richardson of Spencer, Robinson, Rugg, Sage, Spann, Suit, Tarkington, Vandevanter, Williams and Wilson—33.

*Those who voted in the negative were,*

Messrs. Brookshire, Bearss, Cutshaw, Griggs, Hendry, Mansfield, Mathes, Shields, Shook, Slater and Witherow—10.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Mr. Tarkington, from the committee on Free Conference, made the following report:

**MR. PRESIDENT:**

The committee on free conference, appointed by the Senate to confer with a similar committee on the part of the House, in rela-

tion to the disagreement between the two Houses upon House bill No. 172, have directed me to report, that on the part of the Senate, they have agreed to recommend that the Senate recede from its amendments to the bill of the House, with the following exception:

Strike out the 97th section of the said bill, and insert the following:

Sec. 97. The State Superintendent shall annually by the fourth Monday in April in each year, make out a statement showing the number of scholars in each county of the State, the amount of the income of the common school fund in each county for distribution, and the amount of taxes collected for school purposes, and shall apportion the same to the several counties of the State, according to the enumeration of scholars therein, without taking into consideration the congressional township fund in such distribution.

And the House agrees on its part to the said amendment of the Senate, of the said 97th section, and the committee insist upon the Senate's amendment to the first section of the House bill, which levies a tax of fifteen cents on each one hundred dollars.

The report was concurred in.

Mr. Spann moved that the Senate insist on its amendment to Sec. 1st, striking out "15" and inserting "10."

The ayes and noes were demanded by Senators Spann and Bearss.

*Those who voted in the affirmative were,*

Messrs. Alexander, Bearss, Brookshire, Brown, Combs, Cutshaw, Drew, Ensey, Glazebrook, Helm, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mathes, Meeker, Richardson of Spencer, Shields, Shook, Slater, Spann, and Tarkington—24.

*Those who voted in the negative were,*

Messrs. Anthony, Barnett, Burke, Cravens, Crouse, Freeland, Griggs, Harris, Hawthorn, Hendry, Mansfield, Parker, Richardson of St. Joseph, Robinson, Rugg, Sage, Suit, Williams, Wilson and Witherow—21.

So the Senate insisted on its amendment.

And appointed Senators Spann and Slater, a committee of free conference on the part of the Senate.

A message from the House, by Mr. Levering, their clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill thereof :

House bill No. 97. An act to provide for the listing of the stock and other property of Railroad companies, and for the collection of taxes.

House bill No. 97, contained in the foregoing message.

Was read a first time.

Mr. Shields moved to reject the bill.

The ayes and noes were demanded by Senators Robinson and Shields.

*Those who voted in the affirmative were,*

Messrs. Alexander, Brookshire, Brown, Cutshaw, Drew, Ensey, Freeland, Helm, Hendry, Hosbrook, Hostetler, Jackson of Madison, Kightley, McCleary, Mansfield, Mathes, Meeker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shields, Shook, Slater, Tarkington and Woods—27.

*Those who voted in the negative were,*

Messrs. Anthony, Burke, Combs, Crane, Cravens, Glazebrook, Griggs, Harris, Hawthorn, Jackson of Tipton, Parker, Robinson, Spann, Suit, Wilson, and Witherow—15.

So the bill was rejected.

On motion by Mr. Suit,

*Resolved*, That the thanks of the Senate be tendered to the President, for the able, prompt, and efficient manner, with which he has performed the duties of his station.

On motion by Mr. Hendry,

*Resolved*, That the thanks of the Senate be tendered to the Principal and Assistant Secretaries of the Senate, for the diligent and faithful manner they have performed the several duties required of them during the present session.

On motion by Mr. Shields,

*Resolved*, That five thousand copies of each of the Governor's veto messages, on the bills to create a bank and branches, and to amend the free bank law, be printed; and that the Secretary of State superintend the printing of the same, and distribute ten copies of each to every member of the General Assembly, and five hundred copies of each to the Governor.

On motion by Mr. Cravens,



House bill No. 233. A bill declaring express companies to be common carriers, and providing for the safety of articles entrusted to their care.

Was taken up.

Mr. Cravens moved to suspend the rules and read the bill a second time now by its title,

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Griggs, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Shook, Slater, Spann, Suit, Tarkington, Wilson, Witherow and Woods—41.

No Senator voting in the negative.

So the rules were suspended and the bill read a second time by its title.

Mr. Cravens moved to further suspend the rule, and read the bill a third time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Bearss, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Jackson of Madison, Jackson of Tipton, Kightley, Mansfield, Mathes, Meeker, Parker, Robinson, Rugg, Sage, Shields, Shook, Spann, Williams, Wilson, Witherow and Woods—36.

No Senator voting in the negative.

So the rule was suspended, and the bill read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brown, Burke, Combs, Crane, Cravens, Crouse, Drew, Ensey, Freeland, Glazebrook, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Rugg, Sage, Shields, Shook, Spann, Tarkington, Williams, Wilson, Witherow and Woods—34.

Mr. Brookshire voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

A message from the House by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No 209. A bill for the relief of William, Mary Jane, Nancy and Eliza MoConahay, step-children of Louis B. Wood, of Daviess county, and releasing to them certain real and personal property which escheated to the State.

No. 209 contained in the foregoing message, was read a first time.

Mr. Freeland moved to suspend the rule, and read the bill a second time.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Freeland, Glazebrook, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Tarkington, Williams, Wilson, Witherow and Woods—35.

No Senator voting in the negative.

So the rules were suspended, and the bill read a second time by its title.

Mr. Freeland moved to further suspend the rule, and read the bill a third time.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Glazebrook, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Parker, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Tarkington, Williams, Wilson, Witherow and Woods—38.

No Senator voting in the negative.

So the rules were suspended and the bill read a third time.  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Freeland, Griggs, Harris, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Meeker, Richardson of Spencer, Robinson, Rugg, Sage, Shook, Suit, Williams, Wilson, and Witherow—34.

Messrs. Bearss and Brookshire voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

A message from the House, by Mr. Levering, their clerk:

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate, that the House has concurred in engrossed amendments of the Senate Nos. 1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 25, 27 and 28 to

House bill No. 236. A bill making specific appropriations for the year 1855 ;

And have refused to concur in engrossed amendments Nos. 4, 5, 6, 7, 8, 17, 21, 26, 30, 31 and 32 ;

And have concurred in engrossed amendment of the Senate No. 29 with one amendment of the House thereto.

In which the concurrence of the Senate is respectfully requested.

The Senate recedes from its disagreement to Senate amendments Nos. 4, 5, 6, 7, 8, 17, 26, 30, 31 and 32, and insists upon its 24th amendment.

And have appointed Senators Suit and Alexander a committee of free conference on the part of the Senate.

A message from the House, by Mr. Levering, their clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate, that the House has passed engrossed bill of the Senate No. 55, with one engrossed amendment thereto.

In which the concurrence of the Senate is respectfully requested.

Engrossed amendment of the House to engrossed bill of the Senate No. 55, contained in the foregoing message was concurred in.

*Ordered*, That the Secretary inform the House thereof.

A message from the House, by Mr. Levering, their clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 202. A bill to provide for the appropriation of certain school funds raised for specific purposes, when those purposes have been abandoned.

House bill No. 202, contained in the foregoing message,  
Was read a first time.

Mr. Anthony moved to suspend the rule and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brookshire, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Ensey, Glazebrook, Griggs, Harris, Hawthorn, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, Mansfield, Mathes, Parker, Richardson of Spencer, Robinson, Rugg, Sage, Shields, Shook, Spann, Suit, Tarkington, Williams, Wilson, Witherow and Woods—37.

No Senator voting in the negative.

So the rule was suspended, and the bill read a second time by its title.

Mr. Anthony moved to further suspend the rule, and read the bill a third time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Burke, Combs, Crane, Cravens, Crouse, Cutshaw, Ensey, Glazebrook, Harris, Hawthorn, Hendry, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Parker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Spann, Suit, Williams, Wilson, Witherow and Woods—36.

Messrs. Bearss, Griggs, and Slater voting in the negative.

So the rule was suspended, and the bill read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Burke, Combs, Crane, Cravens, Crouse, Cuts'law, Eusey, Glazebrook, Harris, Hendry, Hosbrook, Hostetler, Parker, Richardson of St. Joseph, Richardson of Spencer, Rugg, Sage, Shields, Shook, Spann, Tarkington, Williams, Wilson, Witherow and Woods—29.

*Those who voted in the negative were,*

Messrs. Brookshire, Griggs, Jackson of Madison, Jackson of Tip-ton, McCleary, Mathes, and Slater—7.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Mr. Spann, from the joint committee on free conference, made the following report :

MR. PRESIDENT :

The joint committee on free conference on House bill No. 172, have had the subject matter of deference between the two Houses under consideration, and report that the House have agreed to the amendment of the Senate, which levies a tax for school purposes, of ten cents on the one hundred dollars.

The report was concurred in.

*Ordered*, That the Secretary inform the House thereof.

A message from the House, by Mr. Levering, their Clerk:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House refuses to concur in engrossed amendments of the Senate to

House bill No. 235. A bill to authorize the establishment of public schools in the incorporated cities and towns in the civil townships of the several counties of the State of Indiana.

On motion by Mr. Slater,

The Senate insisted on its amendment, and appointed Senators Suit and Crane a committee of free conference on the part of the Senate, to act with a similar committee on the part of the House.

Mr. Suit, from the joint committee on free conference, made the following report :



**MR. PRESIDENT :**

The committee of free conference to whom was referred the disagreement of the two houses on house bill No. 233, have consulted, and have agreed that twenty cents be stricken out and sixteen cents be inserted.

The report was concurred in.

*Ordered*, That the Secretary inform the House thereof.

Mr. Anthony, chairman of the committee on the judiciary, made the following report :

**MR. PRESIDENT :**

The committee on the judiciary to whom was referred the several accompanying resolutions, have directed me to report them back, and ask to be discharged from any further consideration of the same.

The report was concurred in.

On motion by Mr. Cravens,

*Resolved*, That the State Librarian be and he is hereby authorized to consult some competent architect, and take such measures as they shall deem advisable, to so remodel the Senate chamber, as will provide for its healthful ventilation, and the heating of the same by steam or other process, so that its occupancy will not hereafter be so destructive of health and life as it now is and has been heretofore.

On motion by Mr. Hosbrook,

*Resolved*, That the clerks and doorkeepers of the Senate be entitled to the Senate journal and acts of this session when issued.

On motion by Mr. Brookshire,

*Resolved*, That the thanks of this Senate be hereby tendered to the principal and assistant doorkeepers, for the diligent and faithful manner in which they have discharged their duties to the Senate as such officers.

Mr. McCleary offered the following resolution :

*Resolved*, That the Hon. Geo. McDowell, in the opinion of this Senate, acted properly in assuming, and holding on to his seat until the matter of the contest thereof was duly acted upon by the proper committee.

The ayes and noes were demanded by Senators Bearss and Hendry.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Barnett, Brookshire, Brown, Cuthshaw, Drew, Glazebrook, Hosbrook, Hostetter, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shields, Shook, Slater, Spann and Tarkington—24.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Combs, Cravens, Crouse, Ensey, Freeland, Harris, Hendry, Suit, Williams, Wilson and Witherow—13.

So the resolution was adopted.

Mr. Richardson of St. Joseph, chairman of the committee on Corporations, made the following report:

MR. PRESIDENT:

In order to effect a cleaning up of the business entrusted to us, we return to the Senate the accompanying bills, petitions, memorials and remonstrances—lobby arguments on the insurance question—new paper ditto—relics of folly—the *debris* generally, of subjects referred to the committee on corporations.

Worse things than are here returned have probably been reported to the Senate, and recommended for adoption, but those “pretty chickens” have been cut off “at one fell swoop,” by the inexorable hand of Time.

Your Constitution has mercifully provided that the law-making machine for 1855, shall cease grinding the crudities of individual ignorance into the perfection of collective wisdom after this, third day of March, hence the efforts of genius, patriotism, and philanthropy herewith returned, must sleep the sleep of death! *Requiescat in pace!*

The committee recommend that the agglomerated mass of corporation curiosities, be kindly, gently, and affectionately, laid on the table.

The report was concurred in.

Mr. Shook, chairman of the committee on county and township business, made the following report:

MR. PRESIDENT:

The committee on county and township business, to whom was referred sundry resolutions of the Senate, have had the same under

consideration, and have directed me to report the same back and ask that they be laid on the table.

The report was concurred in.

Mr. Hostetler, chairman of the committee on Enrolled Bills, made the following report:

**MR. PRESIDENT:**

The committee on enrolled bills, have compared the enrolled with the engrossed copy of Senate bill No. 140. A bill to provide for the government and discipline of the State Prison, and find the same correctly enrolled.

Mr. Hostetler, chairman of the committee on Enrolled Bills, made the following report:

**MR. PRESIDENT:**

The committee on enrolled bills have compared the enrolled with the engrossed copy of Senate bill No. 183. A bill to amend section 19 of an act entitled "an act for the government of the Indiana Hospital for the Insane, and the care of the Insane of Indiana, approved Jan. 15th, 1852."

Also,

No. 192. An act to provide for printing and binding the laws of the present session of the General Assembly.

Also,

No. 185. A bill to provide for the leasing of county seminaries where they have been erected upon lands conveyed upon a condition that such lands and the buildings should be used for seminary purposes, and town or public meetings, and find the same correctly enrolled.

Mr. Hostetler, chairman of the committee on Enrolled Bills, made the following report:

**MR. PRESIDENT:**

The committee on enrolled bills, have compared the enrolled with the engrossed copy of Senate bill No. 54. A bill fixing the time of holding the circuit courts in the fifth judicial circuit.

Also,

No. 10. A joint resolution to distribute to Allen county fifty copies revised statutes, and find the same correctly enrolled.

Mr. Hostetler, Chairman of the committee on Enrolled Bills, made the following report:

**MR. PRESIDENT:**

The committee on Enrolled Bills, have compared the enrolled

with the engrossed copy of Senate bill No. 11. A joint resolution to authorize the Auditor of State to burn canceled state stock paper in certain cases therein specified, and specifying who shall pay such services.

Also,

No. 55. A bill to regulate the title of all those who purchased swamp lands of the United States, after the date of the donation, and before the selecting of the swamp lands by the State of Indiana.

Also,

No. 9. A joint resolution in relation to the three per cent fund and appointing the Governor to settle the same.

Also,

No. 97. A bill to authorize county recorders and county surveyors to issue fee bills, and find the same correctly enrolled.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House to inform the Senate, that the Speaker has signed House bills Nos. 174, 188, 197 and 218, and bring the same to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the Speaker has signed Senate bills Nos. 140, 143, 192, and 185, and bring the same to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the Speaker has signed House bills Nos. 88 and 206, and bring the same to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the Speaker has signed enrolled bills of the Senate Nos. 103, 192, 185, 97 and 140.

Also,  
Senate joint resolution No. 9; and bring the same to the Senate,  
for the signature of the President thereof.

Whereupon the President signed the same.

A message from the House, by Mr. Levering, their clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate, that the Speaker has signed House bill No. 173, and bring the same to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the Speaker has signed House bill No. 215, and bring the same to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

A message from the House, by Mr. Levering, their clerk :

**MR. PRESIDENT :**

I am directed by the House to inform the Senate, that the Speaker has signed Senate bill No. 179, and bring the same to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

A message from the House, by Mr. Levering, their clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate, that the Speaker has signed bills of the Senate numbered 139, 144 and 153, and bring the same to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

A message from the House, by Mr. Levering, their clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate, that the Speaker has signed House bills Nos. 27, 77 and 102,



and bring the same to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

Mr. Hostetler, from the joint committee on Enrolled Bills, made the following report:

MR. PRESIDENT :

The joint committee on Enrolled bills, have this day presented to the Governor for his approval,

Senate bill No. 179. An act fixing the time of holding the circuit courts in the fifth judicial circuit.

Also,

No. 10. A joint resolution to distribute to Allen county fifty copies Revised Statutes.

Mr. Hostetler, from the joint committee on Enrolled Bills, made the following report:

MR. PRESIDENT.

The joint committee on Enrolled Bills, have this day presented to the Governor for his approval,

Senate bill No. 103. An act to amend section 19 of an act entitled an act for the government of the Indiana Hospital for the Insane of Indiana, approved June 15, 1852.

Also,

No. 192. An act to provide for printing and binding the laws of the present session of the General Assembly.

Also,

No. 185. A bill to provide for the leasing of county seminaries, where they have been erected upon lands conveyed upon a condition that such lands and the buildings should be used for seminary purposes, and town or public meetings.

Also,

No. 140. An act to provide for the government and discipline of the State Prison.

Also,

No. 9. A joint resolution in relation to the three per cent. fund and appointing the Governor to settle the same.

Also,

No. 97. An act authorizing county recorders and county surveyors to issue fee bills.

Mr. Hostetler, from the joint committee on Enrolled Bills, made the following report:

**MR. PRESIDENT:**

The joint committee on enrolled bills, have this day presented to the Governor for his approval, Senate bill

No. 153. An act to legalize the sale of certain lands lying in section 16, made by county auditors and treasurers.

Also,

No. 139. An act to provide for the election of officers for the State Prison, and for the appraisement of the property of said prison.

Also,

No. 144. An act to authorize the Governor to contract for the completion of the cells and cell house at the State prison, and appropriating a sum of money for the same.

A message from the House, by Mr. Levering, their clerk :

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate, that the House has passed without amendment engrossed joint resolution of the Senate,

No. 11. A joint resolution authorizing the auditor of State to burn cancelled State stock paper in certain cases therein specified, and specifying who shall pay for such services.

A message from the House, by Mr. Levering, their clerk :

**MR. PRESIDENT:**

I am directed by the House to inform the Senate, that the House has passed without amendment the following engrossed bill of the Senate:

Senate bill No. 192. A bill to provide for the printing the laws of the present session of the General Assembly.

A message from the House, by Mr. Levering, their clerk :

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate, that the House continues to refuse to concur in engrossed amendment of the Senate No. 24, to House bill,

No. 236. A bill making specific appropriations for the year 1855,

And have appointed Messrs. Hester and Murray a committee of free conference, to act with a similar committee on the part of the Senate.

A message from the House, by Mr. Levering, their clerk :

**MR. PRESIDENT :**

I am directed by the House to inform the Senate that the House has passed Senate joint resolution,

No. 9. A joint resolution in relation to the three per cent. fund, and appointing the Governor to settle the same.

A message from the House, by Mr. Levering, their clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate, that the House has passed without amendment engrossed bill No. 97 of the Senate:

No. 97. A bill authorizing county recorders and county surveyors to issue fee bills.

A message from the House, by Mr. Levering, their clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House has passed without amendment, the following engrossed bill of the Senate.

Senate bill No. 185. A bill to provide for the leasing of county seminaries, where they have been erected upon lands conveyed upon a condition that such lands and the buildings should be used for seminary purposes only, or for seminary purposes and town or public meetings.

A message from the House, by Mr. Levering, their clerk :

**MR. PRESIDENT :**

I am directed by the House to inform the Senate, that the House has concurred in the Senate amendment to the 1st section of House bill No. 172.

A message from the House, by Mr. Levering, their clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate, that the House has passed the following joint resolution of the Senate without amendment :

Senate joint resolution No. 10. To distribute to Allen county fifty copies Revised Statutes.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has concurred in engrossed amendments of the Senate to joint resolution of the House,

No. 24. A joint resolution directing the Attorney General to investigate a claim of Morehead, Hall & Co., against the State, and report the testimony in relation thereto, to the next General Assembly.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House to inform the Senate, that the House has concurred in the amendments recommended to the House by the committee of free conference on House bill,

No. 172. A bill to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof.

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Shields,  
The Senate adjourned.

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MONDAY, 9 o'clock, A. M. {  
March 5th, 1855. }

The Senate met.

The Journal was read.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Sen-

ate that the House has passed the following resolution thereof, to-wit :

*Resolved*, That a committee of three on the part of the House, be appointed to act with a similar committee to be appointed by the Senate, to inform his Excellency, the Governor, that the General Assembly is about to adjourn *sine die*, and ascertain whether he has any further communication to either House of the Legislature, and that the Senate be requested to reciprocate this resolution.

And that Messrs. Tackett, Buskirk and Shryock, have been appointed said committee on the part of the House.

The resolution contained in the foregoing message, was concurred in.

And Senators Anthony, Wood and Witherow appointed a committee on the part of the Senate.

*Ordered*, That the Secretary inform the House thereof.

A message from the House, by Mr. Levering, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senat : that the House has adopted the following resolution thereof :

*Resolved*, That the judges of the supreme court and the clerk thereof, be permitted to occupy so many of the committee rooms of the State House, as may be deemed necessary for the transaction of their business, such rooms to be occupied only during such times as there may be no legislature in session. That the concurrence of the Senate be respectfully requested to this resolution, and if concurred in, that the clerk of this House communicate the same to said judges.

The resolution contained in the foregoing message was concurred in.

*Ordered*, That the Secretary inform the House thereof.

On motion by Mr. Anthony,  
The Senate proceeded to the election of President, *pro tem*.

On motion by Mr. Parker,  
A call of the Senate was ordered.

The Secretary proceeded with the call, when the following Senators answered to their names :

Messrs. Alexander, Anthony. Bearss, Brookshire, Brown, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Drew, Freeland, Glazebrook, Griggs, Hawthorn, Helm, Hendry, Hosbrook, Jackson



of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Meeker, Parker, Richardson of St. Joseph, Richardson of Spencer, Robinson, Rugg, Shields, Shook, Slater, Suit, Tarkington, Vandevanter, Witherow and Woods—37.

On motion by Mr. Bearss,  
Mr. Barnett was excused.

On motion,  
A further call of the Senate was dispensed with.

The Senate then proceeded to the election of a President *pro tem*.

*Those who voted for Mr. Slater were,*

Messrs. Alexander, Anthony, Brookshire, Brown, Cutshaw, Drew, Glazebrook, Hawthorn, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shields, Spann, Shook, Tarkington and Woods—23.

*Those who voted for Mr. Suit were,*

Messrs. Bearss, Burke, Chapman, Combs, Crane, Cravens, Crouse, Freeland, Helm, Hendry, Meeker, Parker, Robinson, Vandevanter, Weston, Williams, Wilson and Witherow—18.

Mr. Griggs voting for Col. Drew.

Mr. Slater having received a majority of all the votes, was declared duly elected President, *pro tem*.

Mr. Freeland offered the following resolution :

*Resolved*, That the House concurring, we will go into the election of a senator, Attorney General, Agent of State, State Printer, State Librarian, Warden to the State Prison, trustees for the benevolent institutions, and four directors for the State Bank.

Mr. Anthony moved to lay the resolution on the table.

The ayes and noes were demanded by Senators Freeland and Anthony.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brookshire, Brown, Drew, Glazebrook, Hawthorn, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Reynolds, Richardson of Spencer, Rugg, Shields, Shook, Slater, Tarkington, and Woods—22.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Chapman, Combs, Crane, Cravens, Crouse, Cutshaw, Freeland, Griggs, Harris, Helm, Hendry, Meeker, Parker, Richardson of St. Joseph, Robinson, Suit, Vandevanter, Wilson and Witherow—21.

So the resolution was laid on the table.

Mr. Anthony, from the committee appointed to wait on the Governor, made the following report :

MR. PRESIDENT :

The committee appointed to wait upon the Governor, have attended to the duty assigned them, and make the following report:

His Excellency would report that he has no further communication to make to the General Assembly. He wishes the members of both Houses a safe return to their families and constituents.

On motion by Mr. Anthony,

*Resolved*, That the Secretary of the Senate inform the House of Representatives that the Senate has gone through with the legislative business, and are now ready to adjourn *sine die*.

On motion by Mr. Richardson of St. Joseph,

*Resolved*, That the State Printer be instructed to bind in calf for the use of the president, members and secretaries of the Senate, 70 copies of the Senate Journal, and the Acts of the present General Assembly, and to bind in board all other copies of the Senate Journal authorized by law to be printed.

Mr. Cutshaw offered the following resolution :

*Resolved*, That the Senate will, the House concurring, go into joint convention *instantly* in the Hall of Representatives, for the purpose of electing a State Agent.

Mr. Anthony moved to lay the resolution on the table.

The ayes and noes were demanded by Senators Anthony and Freeland.

*Those who voted in the affirmative were,*

Messrs. Alexander, Anthony, Brookshire, Brown, Cutshaw, Dröw, Glazebrook, Hawthorn, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, McCleary, Mansfield, Mathes, Reynolds, Richardson of St. Joseph, Richardson of Spencer, Rugg, Shields, Shook, Slater, Tarkington and Woods—24.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Chapman, Combs, Crane, Cravens, Crouse, Freeland, Griggs, Helm, Hendry, Meeker, Parker, Robinson, Suit, Vandevanter, Weston, Wilson and Witherow—19.

So the resolution was laid on the table.

On motion by Mr. Anthony,

*Resolved*, That when the Senate adjourn, it adjourn *sine die*.

Mr. Griggs offered the following preamble and resolution :

**WHEREAS**, By the constitution of the State of Indiana, the General Assembly is limited to biennial sessions of sixty-one days, and the time too short for the legislation demanded ;

**AND WHEREAS**, The Governor has the power under the constitution to call a special session ;

**AND WHEREAS**, No apportionment has been made of the State, as well as much other business of importance necessarily passed over ; therefore,

*Be it resolved by the General Assembly of the State of Indiana*, That the public welfare demands a special session of the Legislature, and that His Excellency the Governor be requested to call the same. Which was agreed to.

On motion by Mr. Shook,

*Resolved*, That we feel under many obligations to the chairman of education in the other end of the capitol, for his complimentary notice of our course on the subject of education, especially his reference to our chairman on education, as reported in this morning's papers.

*Resolved*, That we appeal from his sensorious tribunal to that of the people in justification of our course in preventing unnecessary taxation, to foster and pamper a hord of officers, especially the Superintendent of Public Instruction under the guise that it is for the education of the children of the State.

*Resolved*, That the Secretary furnish the chairman of the House committee on education a copy of these resolutions.

On motion by Mr. Shook,

*Resolved*, That the Secretary of State is hereby directed to send with the laws of the present session to the members of Senate, the Documents, including the report of the Superintendent of Public Instruction remaining on hand after a ljournalment.

Mr. Slater, president of the committee on Federal Relations, made the following report :

**MR. PRESIDENT:**

The committee on Federal Relations to whom was referred a report on colonization, &c., have had the same under consideration, and have directed me to report the same back and recommend that it be laid on the table.

Which was concurred in.

A message from the House by Mr. Levering, their clerk :

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate, that the Speaker has signed House bills Nos. 202, 209, 235, 233 and 236; and also, House joint resolution No. 24, and bring the same to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

Mr. Drew, chairman of the committee on Canals Internal Improvements, made the following report:

**MR. PRESIDENT:**

The chairman of the committee on Canals and Internal Improvements, herewith returns the manuscript report of the Trustees of the Wabash and Erie Canal, which, having been printed and properly distributed, he suggests should be placed upon the files of the Senate.

A message from the Governor, by Mr. King, Executive messenger :

**MR. PRESIDENT:**

I am directed by the Governor to inform the Senate, that he has approved and signed the following bills, to-wit :

No. 139. An act to provide for the election of officers for the State Prison, and for the appraisement of the property of said Prison.

No. 144. An act to authorize the Governor to contract for the completion of the cells and cell-house at the State Prison, and appropriating a sum of money for the same.

No. 153. An act to legalize the sale of certain lands lying in section 16, made by county auditors and treasurers.

No. 10. A joint resolution to distribute to Allen county fifty copies revised statutes.

No. 179. An act fixing the time of holding the circuit courts in the fifth judicial circuit.

No. 103. An act to amend section 19 of an act entitled "an act for the government of the Indiana Hospital for the Insane, and the care of the insane of Indiana," approved January 15th, 1852.

No. 140. An act to provide for the government and discipline of the State Prison.

No. 185. An act to provide for the leasing of county seminaries where they have been erected upon lands conveyed upon a condition that such lands and the buildings should be used for Seminary purposes only, or for seminary purposes and town or public meetings.

No. 192. An act to provide for printing and binding the laws of the present session of the General Assembly.

No. 9. A joint resolution in relation to the three percent. fund, and appointing the Governor to settle the same.

No. 55. An act to regulate the title of all those who purchased swamp lands of the United States after the date of the donation, and before the selection of the swamp lands by the State of Indiana.

No. 97. An act to authorize county recorders, and county surveyors to issue fee bills.

No. 11. A joint resolution authorizing the Auditor of State to burn canceled state stock paper in certain cases therein specified, and specifying who shall pay for such services.

Which bills originated in the Senate.

A message from the House, by Mr. Levering, their clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the Speaker has signed House bill No. 172, and bring the same to the Senate for the signature of the President thereof.

Whereupon the President signed the same.

Hon. A. P. Willard,

*President of the Senate.*

SIR : You will please lay before the Honorable body over which you preside, the accompanying communication.

Respectfully,

SOLON TURMAN,  
*Secretary of the Senate.*

March 5th, 1855.



## REPORT.

Your Secretary, in obedience to a resolution of the Senate, submits herewith a list of the Bills and Joint Resolutions of the present session of the Indiana Legislature, which have been approved by the Governor,—distinguishing between those originating in the Senate and those originating in the House of Representatives; also a list of the Bills and Joint Resolutions which have originated in the Senate—passed the Senate, with the date of passage—and failed in the House of Representatives.

Also, a list of the Bills and Joint Resolutions which originated in the Senate, and failed in the Senate.

*Bills of the Senate, which have passed both Branches of the Legislature, and received the Executive sanction.*

No. 4. A bill supplemental to an act entitled “an act to regulate the sale of Swamp lands, donated by the United States to the State of Indiana, and to provide for the draining and re-claiming thereof in accordance with the condition of said grant.” Approved May 29th, 1852.

No. 6. A bill for the protection of the Sabbath.

No. 7. A bill supplemental to an act providing for the election of justices of the Peace, defining their jurisdiction, powers, and duties in civil cases. Approved June 9th, 1852.

No. 13. A bill to amend sec. 3 of an act entitled “an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof and declaring their duties.” Approved June 11th, 1852.

No. 17. A bill to authorize the successors of executors and administrators to make sales and conveyances of realty under orders of sale procured by their predecessors.

No. 21. A bill to adjust the Gibson seminary township claim, and for quieting the title of Indiana University, to the State University Fund.

No. 24. A bill to provide for the election, fixing the compensation and prescribing the duties of Attorney General of the State of Indiana.

No. 25. A bill fixing the time for holding the Circuit Courts in the Eight Judicial Circuit, and repealing all laws in conflict therewith.

No. 35. A bill creating 12th and 13th Judicial Circuits, providing for the election of a Judge thereof, fixing the time of holding courts therein, providing for the appointment of a Judge to fill the vacancy therein declared, regulating the return of process, &c., and providing for the prosecution of the pleas of the State therein.

No. 40. A bill providing for extending the terms of circuit courts by adjournment when the pending business shall be unfinished.

No. 41. A bill providing for official notice of the time when the statutes of this State are in force.

No. 44. A bill authorizing county auditors to call a special term of the board of county commissions whenever the interest of the county may demand it.

No. 46. A bill relative to plank, McAdamized, tram and gravel road companies.

No. 54. A bill to amend the 1st section of an act approved May 13th, 1852, entitled "an act providing for the appointment of deputies for certain officers and prescribing their duties and liabilities."

No. 55. A bill to regulate the title of all those who purchased swamp lands of the United States after the date of the donation, and before the selection of the swamp lands by the State of Indiana, and to authorize the State to refund the excess where said purchaser paid over one dollar and twenty-five cents per acre.

No. 58. A bill to amend the 24th, 31st, 33d and 37th sections of an act entitled "an act to provide for the opening, vacating and change of highways," approved June 17th, 1852.

No. 76. A bill to amend section 3d of an act entitled "an act for the regulation of weights and measures." Approved June 9th, 1852.

No. 84. A bill amending section 11th of chapter 31, of the revised statutes of 1852, relative to the making out and furnishing to the several inspectors of elections, poll books, tally papers, &c.

No. 87. A bill to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the cases therein named, and to repeal all former acts inconsistent therewith and for the suppression of intemperance.

No. 88. A bill to amend the 2d section of an act entitled "an act to incorporate the Ward cotton mills," approved February 15, 1848, and increasing the capital stock thereof.

No. 93. A bill to establish a bank with branches. (Passed over the Governor's veto.)

No. 95. A bill to fix the time of holding the courts of common pleas in the counties of Laporte, Porter and Lake.

No. 97. A bill authorizing county recorders and county surveyors to issue fee bills.

No. 103. A bill to amend section 19 of an act for the government of the Indiana Hospital for the Insane, and the cure of the Insane, approved January 15th, 1852.

No. 111. A bill for the incorporation of high schools, academies, colleges, universities, theological institutions and missionary boards.

No. 112. A bill appropriating \$5,000 per annum for the purpose of African Colonization, and to give additional powers to the State board of colonization.

No. 115. A bill to prevent the defalcation of certain officers therein named, and to provide penalties therefor.

No. 127. A bill defining the duties and fees of Notaries Public in the case of protest of the notes of suspended banks.

No. 130. A bill to authorize the re-transfer of settlements of decedents estates, guardianship, petitions to sell land and all other matters that have been transferred from the common pleas courts to the circuit courts, on account of the judges of said common pleas being interested, back to said common pleas courts.

No. 133. A bill to fix the commencement of the terms of certain county officers, and to render the same uniform.

No. 134. A bill to repeal section 50, chapter 10, of an act entitled "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852, and providing for credit on the sale of personal property, and legalizing settlements of executors and administrators in certain cases.

No. 138. A bill to fix the time of holding the courts in the 9th judicial circuit.

No. 139. A bill to provide for the election of officers for the State Prison, and for the appraisement of the property at said Prison.

No. 140. A bill providing for the government and discipline of the State Prison.

No. 143. A bill fixing the times of holding courts in the common pleas district, composed of the counties of Tippecanoe and White.

No. 144. A bill to authorize the Governor to contract for the completion of the cells and cell-house at the State Prison, and appropriating a sum of money for the same.

No. 145. A bill to extend the times of holding the courts of common pleas in the county of Tipton at its March term, 1855.

No. 148. A bill for the collection of the surplus revenue and other school or trust funds and making county auditors and county treasurers competent witnesses in suits for the collection of the same.

No. 151. A bill relating to the State University, and supplemental to, and amendatory of an act entitled "an act providing for the government of the State University, the management of its funds, and for the disposition of the lands thereof," approved June 17th, 1852, and providing for the appointment of two commissioners, and for the sale of lands granted to the State for the use of the University, and for securing a more economical administration of its affairs, by lessening the number of its board of trustees, and limiting the expenses of managing its fund.

No. 153. A bill to legalize the sale of certain lands lying in section 16, made by county auditors and treasurers.

No. 159. A bill to change the time of holding courts in the eleventh judicial circuit.

No. 164. A bill to provide for the settlement of claims of the Lessee of the State Prison.

No. 179. A bill fixing the times of holding the courts in the 5th judicial circuit.

No. 185. A bill to provide for the leasing of county seminaries where they have been erected upon lands conveyed upon a condition that such lands and the buildings should be used for seminary purposes only, or for seminary purposes and town or public meetings.

No. 192. A bill to provide for the printing of the laws of the present session of the General Assembly.

*Joint Resolutions of the Senate, which have passed both branches of the Legislature and received the Executive sanction.*

No. 5. A joint resolution in relation to the election of United States Senator.

No. 6. A joint resolution asking Congress to patent to the State of Indiana, all lands purchased of the United States after the passage of the act of Congress donating the swamp and overflowed lands to the State of Indiana, and afterwards returned as swamp lands.

No. 9. A joint resolution in relation to the three per cent. fund, and appointing the Governor to settle the same.

No. 10. A joint resolution to distribute to Allen county fifty copies revised statutes.

No. 11. A joint resolution authorizing the Auditor of State to burn canceled state stock paper in certain cases therein specified, and specifying who shall pay for such services.

*Bills, which have originated in the House of Representatives, passed both branches of the Legislature and received the Executive sanction.*

No. 1. A bill to repeal all laws now in force establishing the time of holding circuit courts in the second judicial circuit and to fix the times of holding said courts.

No. 2. A bill to amend an act entitled "an act to incorporate the Indiana cotton mill," approved Feb. 15th, 1848.

No. 5. A bill to amend the 65th and 66th sections of an act providing for the settlement of decedents' estates, prescribing the rights, and liabilities, and duties of officers connected with the management thereof, and heirs thereto; and certain forms to be used in such settlement, approved June 17th, 1852, and supplementary thereto.

No. 11. A bill to amend an act (the 303d section of) entitled "an act to revise, simplify, and abridge, the rules, practice, pleadings, and forms, in civil cases in courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852.

No. 12. A bill to amend an act entitled "an act for the incorporation of Insurance companies, defining their powers, and prescribing their duties," approved June 17th, 1852.



No. 19. A bill to amend the first and fourth sections of an act entitled "an act authorizing recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals," approved Feb. 16th, 1852.

No. 23. A bill to amend sections 1, 2, and 7 of an act entitled "an act to establish and regulate ferries," approved June 17th, 1852, so as to extend to any person, persons, or corporations, who may own or hold by lease, land on any creek or river, the right to have a public ferry, and to prevent a ferry lying in two counties from being assessed with a double tax.

No. 24. A bill to amend the 3d and 4th sections of an act entitled "an act for the incorporation of cities."

No. 27. A bill to amend an act entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers," approved June 18th, 1852.

No. 29. A bill to amend an act entitled "an act to revise, simplify and abridge, the rules, practice, pleadings and forms, in civil cases in the courts of this State."

No. 36. A bill to authorize county agricultural societies to purchase and hold real estate.

No. 39. A bill to enable railroad companies to compromise with mortgagers, and convey part of the road mortgaged in satisfaction of the mortgages, and to provide a mode of assessing damages for right of way, when the road has been built before such right of way is fully settled for; and to enable the vendee on such settlement and conveyance, to hold and enjoy the part so conveyed in satisfaction of such mortgages.

No. 40. A bill providing that no justice shall hear or determine any State prosecution for an assault and battery, or assault, unless the injured party be present, or being summoned, refuses to attend, or where the summons for him is returned "not found," and that no trial shall be had in cases of affray, unless a witness therof be present, and testify upon such trial, or being summoned refuses to attend.

No. 43. A bill to provide for the restoration and preservation of the records of the Supreme Court.

No. 46. A bill authorizing boards of trustees of high schools, academies, colleges or universities to assume a common name, consolidate their property, sue and be sued, contract and be contracted with, and to transact their business under such common name.

No. 48. A bill concerning the organization of voluntary associations and repealing former laws in reference thereto.

No. 52. A bill to prohibit profanity.

No. 57. A bill supplemental to an act regarding estrays and articles adrift.

No. 61. A bill to amend the 71st section of an act entitled, "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, so as to authorize assessors to correct errors in assessments of real estate.

No. 66. A bill for the relief Henry Wells, treasurer of the county of Lake.

No. 67. A bill to provide for the confinement of persons insane and dangerous, when suffered to run at large, and for the compensation of any person to whom the custody of such insane person is committed.

No. 68. A bill providing for trial of causes in the several circuit courts in cases in which the circuit judge is interested, or related to either of the parties; also, providing for the holding of terms of courts when such judge is absent or unable to attend, and repealing sections 3 and 4 of chapter 4, of the 2d volume of the Revised Statutes of 1852, and providing for the compensation of persons holding such courts.

No. 71. A bill to provide for the service of summons of a witness by copy.

No. 76. A bill to authorize the Auditor of State to retain so much of the interest on the stocks of any bank, as may be sufficient to indemnify the State against loss of any sum due by any bank to the State.

No. 77. A bill to fix the time of holding the courts of common pleas, and the length of the terms thereof in the several counties of this State, and repealing the former laws in reference thereto.

No. 80. A bill requiring written briefs to be filed in the Supreme Court.

No. 83. A bill to amend an act entitled "an act providing for the appointment of Notaries Public, and defining their powers and duties," approved June 9, 1852.

No. 87. A bill regulating the fees of officers, and repealing former laws in relation thereto.

No. 88. A bill to amend the 14th section of chap. 101, approved June 17th 1852, entitled, "an act to enable trustees to receive lands and donations, and to convey the same for the use of schools, churches, religious societies, &c, Masonic and Odd Fellows' Lodges, Sons and Daughters of Temperance, and for the construction of cemeteries, houses of worship, and other buildings therein mentioned.

No. 92. A bill to provide for the issuing certificates in cases of the casual destruction of outstanding State bonds, and of duplicates in cases of destruction of State certificates of stock.

No. 93. A bill to amend an act entitled "An act to authorize and regulate the business of General Banking." (Passed over veto.)

No. 94. A bill to amend the 41st section of an act entitled "An act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant." Approved May 29th, 1852.

No. 100. A bill to amend section 540, of an act entitled "An act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, and to provide for changing the docketing justices' judgments, from the execution to the judgment docket of the court of common pleas.

No. 102. A bill to amend section 17 and part of section 18, of an act incorporating the Lagro, Marion and Jonesboro Plank Road Company. Approved Jan. 16th, 1849.

No. 105. A bill to amend section 22 of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties." Approved June 11th, 1852.

No. 108. A bill to provide for issuing fee bills and executions against sureties on appeal bonds in the Supreme Court.

No. 118. A bill to provide a site, system of government, and plans, for the erection of a State House of Refuge, for the correction and reformation of juvenile offenders.

No. 119. A bill to provide for the punishment of persons interfering with trains on Railroads.

No. 120. A bill to amend the 21st section of "An act prescribing the duties of justices of the peace in State prosecutions." Approved May 29th, 1852.

No. 121. A bill to provide for the re-location of county seats, and for the erection of public buildings in counties in cases of such relocation.

No. 122. A bill to amend the 9th sec. of an act regarding estrays and articles adrift. Approved June 16th, 1852.

No. 127. A bill to amend the 596th sec. of chapter 1st and article 29th of the Revised Statutes of 1852, and entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity." Approved June 18th, 1852.

No. 136. A bill to enable cities which have subscribed for stock in companies incorporated to construct works of utility under the 56th sec. of the general act for the incorporation of cities, and to ratify the same.

No. 140. A bill to authorize the election of church wardens and vestrymen, and defining the powers and duties.

No. 145. A bill to legalize, confirm, and declare valid, all sales of real estate, all settlements of decedent's estates, and any and all acts done by any person, officer, corporation, or association of persons, which may have been done in conformity with any amendatory act passed during the thirty-seventh session of the General Assembly of the State of Indiana.

No. 146. A bill to authorize Commissioners of the Sinking Fund to adjust the unsettled account between the State of Indiana and the Merchant's Bank in the City of New York, and to pay \$5,716 90 due with interest.

No. 149. A bill providing for the sale of Saline lands remaining unsold in this State.

No. 150. A bill to authorize county commissioners in their respective counties to sell the lands in which the surplus revenue fund belonging to the common schools has been invested and to invest the proceeds.

No. 153. A bill prohibiting adult persons wagering or gaming with minors, and prescribing that such adult on conviction, shall be fined and imprisoned in the common jail, and making such minor a

competent witness, and absolving the minor from all liability for such gaming and wagering, in case a minor is a witness against such adults as may be charged.

No. 154. A bill to cure defects in the execution of deeds or in the certificate of acknowledgment to conveyances of real estate in certain cases therein named.

No. 157. A bill providing for the investigation of the affairs of the Madison & Indianapolis Railroad Company, authorizing a compromise therewith, if deemed of advantage to the State, and providing for the payment of said company's floating and unfunded debt, and of certain debts of the Columbus and Shelby Railroad company, and empowering said M. & I. R. R. Co., to receive, hold, and transfer stock in the C. & S. R. R. Co.

No. 160. A bill to amend the act entitled "an act authorizing the construction of plank, McAdamized and gravel roads, and to empower the same to make sale of a portion of their roads.

No. 161. A bill for the preservation and collection of the trust and other funds of this State, and to provide for the substitution of mortgages, and prescribing the punishment of officers who loan a greater amount of said funds than is authorized by law.

No. 163. A bill to amend the 54th section of an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity." Approved June 18, 1852.

No. 167. A bill to amend the 6th section of an act entitled "an act to provide for the election of a Reporter, and a speedy publication of the decisions of the Supreme Court, and for the compensation of such reporter. Approved Feb. 5th, 1852.

No. 170. A bill to authorize educational corporations to borrow money and secure the same by mortgage, and to increase or diminish the number of their directors or trustees.

No. 172. A bill to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof.

No. 173. A bill to provide for the erection and repair of bridges, and to repeal an act to provide for the erection and repair of bridges. Approved May 22d, 1852.



No. 174. A bill authorizing the State of Indiana to relinquish her interest in the real estate herein set forth.

No. 176. A bill regulating the adoption of heirs.

No. 197. A bill to prevent fraud in the sale of flour, pork, beef, &c.

No. 199. A bill to repeal sections 2 and 3 of an act entitled "an act to regulate the retailing of spirituous liquors and for the suppression of evils arising therefrom," approved March 4th, 1853, and declaring all licenses issued under said act null and void from and after the 12th day of June next.

No. 202. A bill to provide for the appropriation of certain school funds raised for specific purposes, when those purposes have been abandoned.

No. 206. A bill to amend an act entitled "an act for the incorporation of cities and towns, defining their powers, providing for the election of officers thereof, and declaring their duties, and declaring certain taxes legal, and to provide for the manner of giving notices by the trustees of incorporated towns and cities."

No. 209. A bill for the relief of William, Mary Jane, Nancy and Eliza McConahay, step-children of Louis B. Wood, of Daviess county, and releasing to them certain real and personal property which escheated to the State.

No. 212. A bill to raise a revenue for State purposes for the years 1855 and 1856.

No. 215. A bill to legalize the records of any proceedings in reference to roads heretofore made by the clerk of any court in any county of this State.

No. 218. A bill making general appropriations for the years 1855 and 1856.

No. 233. A bill declaring express companies to be common carriers, and providing for the safety of articles entrusted to their care.

No. 235. A bill to authorize the establishment of public schools in the incorporated cities and towns in the civil townships of the several counties of the State of Indiana.

No. 236. An act making specific appropriations for the year 1855.

*Joint Resolutions which have originated in the House of Representatives, passed both branches of the Legislature, and received the Executive sanction.*

No 7. A joint resolution against the renewal of certain patents.

No. 4. A joint resolution upon the subject of lands and increase of the pensions for military services.

No. 24. A joint resolution directing the Attorney General to investigate a claim of Morehead, Hall & Co., against the State, and report the testimony in relation thereto, to the next General Assembly.

*Bills which have originated in the Senate and passed the Senate, but have been defeated in the House of Representatives, with the date of passage in the Senate.*

No. 2. A bill in relation to the final record in the courts in this State.—January 23.

No. 3. A bill to amend section 78, of article 8, of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17th, 1852.—January 23.

No. 5. A bill to amend the 32d and 75th sections of an act entitled, "an act fixing the time of holding the courts of common pleas, and the length of terms thereof in the several counties in this State," approved March 4th, 1853.—January 10.

No. 8. A bill for the relief of borrowers of the common school fund, and the purchasers of school lands belonging to the State of Indiana.—January 17.

No. 18. A bill to repeal an act entitled, "an act to prevent railroad companies from changing their depots except on conditions therein named," approved March 4th, 1853.—January 24.

No. 22. A bill to amend the 78th section of an act defining misdemeanors and prescribing punishment therefor, approved June 14th, 1852.—January 23.

No. 27. A bill to authorize the refunding of money in cases where the State has sold lands as swamp lands by mistake or without authority.—January 30.

No. 28. A bill to regulate the fees of county auditors for transferring lands for taxation.—January 23.

No. 29. A bill to provide for the organization of railroad companies.—February 12.

No. 30. A bill to amend the 13th section of "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 19th, 1852.—January 18.

No. 31. A bill repealing an act therein named, and reinstating the former trustees of the town of Clarksville in their powers, duties and rights.—January 23.

No. 33. A bill to give the circuit courts concurrent jurisdiction with the courts of common pleas in cases of riot.—January 18.

No. 38. A bill to repeal section 5 of an act entitled, "an act to authorize railroad companies to consolidate their stock with stock of railroad companies in this or in an adjoining State, and to connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads on the routes which they may have heretofore surveyed and located, and to use and occupy the same when completed," approved February 23d, 1853.—January 30.

No. 39. A bill to regulate the crossings of public highways and private roads by railroads.—January 23.

No. 42. A bill to enable parties to convey lands, tenements and hereditments held adversely, and to give validity to contracts heretofore made therefor, and to enable venders to recover possession thereof.—February 13.

No. 43. A bill to confirm the title to certain swamp lands.—January 23.

No. 45. A bill fixing the time of holding the several circuit courts in the 3d judicial circuit, prescribing the length of the terms thereof, and repealing all laws in conflict with the same.—Feb. 5.

No. 48. A bill to provide for the preservation of newspapers published in the several counties of the State of Indiana, in the office of the auditor of each county.—January 25.

No. 50. A bill to provide for the election of United States senator.—February 22.

No. 53. A bill giving foreign corporations the right to construct bridges over rivers forming the boundary line of this State.—January 30.

No. 56. A bill to authorize connecting railroad companies to make running and operating contracts, to lease and sell parts of their road to other railroad companies, and to authorize the lessees or vendees to hold and enjoy the same, and to acquire and perfect the title to the right of way—Jan. 23.

No. 57. A bill directing the Auditor of State to surrender bonds of Free Banks not paying specie when their bills are presented.—Jan. 19.

No. 61. A bill to amend the 20th and 30th sections of an act entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, approved January 18th, 1852, and to increase the compensation for labor.—Feb. 15.

No. 62. A bill to amend the 11th section of an act entitled "an act for the more uniform mode of doing township business," approved May 6th, 1852.—Feb. 16.

No. 63. A bill to amend the 540th section of an act entitled "an act to revise, simplify, and abridge, the rules practice, pleadings and forms in civil cases in the courts in this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity." approved June, 1852.—Feb. 2.

No. 65. A bill to protect the drains, levees, dykes, dams, canals, rivers, creeks, and all other sources used for draining and reclaiming of the swamp lands of this State, which have been established by law.—Jan. 30.

No. 67. A bill to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities.—Feb. 22.

No. 68. A bill to amend the 3d section of an act entitled "an act to provide for the erection and repair of bridges," approved May 22, 1852.—Jan. 30.

No. 71. A bill declaring the proof of names of parties in certain cases not necessary.—Feb. 5.

No. 75. A bill to provide for the punishment of negligence, carelessness and misconduct of operatives and agents of Railroad

Companies, and for the punishment of persons who shall willtully and recklessly leave open any fence, gate or bars of Railroad Companies in this State.—Feb. 8.

No. 77. A bill to give to the courts of common pleas jurisdiction in all cases of felonies.—Jan. 31.

No. 78. A bill to provide for the listing of corporations and public stocks.—Feb. 5.

No. 80. A bill to authorize the transfer of stocks to the State Bank of Indiana, or to her for the use of a branch, by a failing debtor or other person, when the same becomes necessary to prevent loss.—Feb. 26.

No. 81. A bill to authorize the appointment of a judge protempore in the common pleas courts.—Feb. 2.

No 82. A bill to repeal Broker's licenses, and to prohibit the establishment of Broker's offices in this State.—Feb. 5.

No 83. A bill declaring what a "seal" is in contemplation of laws requiring deeds of conveyance to be sealed, and declaring the meaning of such laws.—Feb. 2.

No. 85. A bill to enable Railroad Companies to dissolve.—Feb. 8.

No. 89. A bill to regulate the filing of bonds and oaths of guardians.—Feb. 5.

No. 90. A bill to amend the 18th section of an act entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto," approved May 13th, 1852.—Feb. 5.

No. 92. A bill to authorize the appointment of commissioners to execute deeds in certain cases.—Feb. 5.

No. 98. A bill to regulate the taking of appeals from the court of common pleas, and to legalize appeals heretofore taken.—Feb. 9.

No. 99. A bill to amend section 211 of code of practice, &c.—Feb. 12.

No. 100. A bill authorizing the recording of Patents for real estate and making the record thereof, and certified records evidence.—Feb. 5.

No. 102. A bill to provide for the public peace, and private se-



curity, and to prevent conspiracies and combinations interfering with the free enjoyment of religious rights of citizens, and prescribing punishment therefor.—Feb. 23.

No. 104. A bill to provide for the sale under execution, or order of sale of any house or other building belonging to the defendant, but situated on land not owned by him.—Feb. 12.

No. 105. A bill to enlarge the jurisdiction of courts of common pleas in cases in which property is or may be attached.—Feb. 8.

No. 106. A bill requiring swamp land commissioners to give bond.—Feb. 8.

No. 107. A bill legalizing the filing of copies of original articles of association of railroad companies, formed in pursuance of an act entitled "an act to provide for the incorporation of Railroad Companies," approved May 11th, 1852.—Feb. 16.

No. 108. A bill relating to the reversal of judgments against convicts in the State Prison.—Feb. 16.

No. 109. A bill to subject the corporate franchises of plank road and turnpike companies to sale on execution.—Feb. 12.

No. 113. A bill to provide the mode of trial, forming the issues, taking depositions, and right of challenge to jurors, in suits involving the descents of real estate or the distribution of personal property, money, or choses in action of an intestate, when there are defendants claiming adverse interests; and to regulate the practice as between such defendants and in such cases.—Feb. 20.

No. 117. A bill requiring payment or tender to be made of taxes and penalty with interest thereon, before suit brought to recover possession of lands sold for taxes, from any person claiming the same under a tax title deed made by the Auditor, and repealing all laws in conflict therewith.—Feb. 17.

No. 121. A bill to provide for a geological, minerological, and agricultural survey of the State of Indiana.—Feb. 17.

No. 125. A bill to amend section 21 of an act entitled "an act to incorporate the Franklin and White River Turnpike Company." Feb. 12.

No. 129. A bill to amend section 2 of an act prescribing and defining the powers and duties of constables.—Feb. 24.

No. 132. A bill relative to the assessment of damages against Railroad Companies.—Feb. 21.

No. 136. A bill to provide for the surrender and exchange of the certificates of stock of the State of Indiana.—Feb. 16.

No. 137. A bill to legalize the acknowledgment of all deeds and mortgages, and other instruments required to be recorded, taken and certified by the clerks of the circuit courts of this State, after the reception of the revised statutes of 1852, in their respective counties.—Feb. 21.

No. 141. A bill to amend section 27 of an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto.—Feb. 17.

No. 142. A bill to provide for the adoption of children and changing their names.—Feb. 17.

No. 146. A bill legalizing the incorporation of such companies and their acts, as organized under any of the acts of the revised statutes of 1852, after the passage of said statutes and before they were distributed and went into effect.—Feb. 21.

No. 149. A bill to authorize the commissioners of swamp lands to compensate for ditching and draining, where such has been completed by private enterprise, and was necessary to the draining of swamp lands belonging to the State, or which has been or may be sold as such.—Feb. 26.

No. 152. A bill defining the amount of propeaty that shall be omitted by executors and administrators in making out their inventories.—Feb. 21.

No. 155. A bill for the better security for the funds arising from the sale of swamp lands.—Feb. 21.

No. 156. A bill to amend section 315 of chapter 1, of part 2d of the 2nd volume of the revised statutes of 1852.—Feb. 26.

No. 157. A bill legalizing the proceedings of the boards of county commissioners, at special or called sessions thereof.—Mar. 1.

No. 158. A bill to amend "an act to incorporate the Madison Marine Insurance company," approved Jan. 11, 1849.—Feb. 26.

No. 162. A bill to amend the 15th, 18th, and 35th sections of an act entitled "an act to provide for the opening, vacating and change of highways," approved June 17th, 1852, and to repeal sections 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, and 38 of said act, and also to repeal sections 13, 14, and 18 of an act entitled "an act for the more uniform mode of doing township business," approved May 6th, 1852.—March 1.

No. 165. A bill to prevent the fraudulent issue of stocks.—Feb. 28.

No. 166. A bill to authorize the issue of duplicate swamp land patents in certain cases.—Feb. 20.

No. 167. A bill to cede to the United States jurisdiction over lands in Michigan city for a light house and harbor.—Feb. 21.

No. 170. A bill to provide for incorporating medical societies, and for the promotion and diffusion of correct medical knowledge.—March 1.

No. 171. A bill to regulate conductors and engineers of railroads, requiring them to run to time tables and penalty upon failure so to do.—February 28.

No. 174. A bill authorizing railroad, plank road, turnpike road and McAdamized road companies to close up their business and dissolve their organization.—March 1.

No. 176. A bill to amend sections 3 and 6 of "an act providing for the election and prescribing certain duties of county surveyors," approved June 17th, 1852.—February 27.

No. 177. A bill to legalize the organization of railroad companies, and election of directors thereof in certain cases.—February 27.

No. 178. A bill to provide for the election of State Printer by the people.—February 23.

No. 180. A bill supplemental to, and amendatory of an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors except in the cases therein named, and for the suppression of intemperance."—February 28.

No. 182. A bill declaring valid certain deeds or letters patent of the State of Indiana to the purchasers of swamp lands.—February 26.

No. 183. A bill to require the Governor to cause to be published monthly lists of appointments to office, pardons granted and fines and forfeitures remitted by him.—March 1.

No. 184. A bill to provide for the empanelling of juries when the sheriffs shall fail to, or improperly empanel the same.—February 28.

No. 187. A bill to amend section 96 of an act entitled "an act to provide for the valuation and assessment of the real and personal

property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State.—March 1.

No. 188. A bill to amend section 99 of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State," and to better provide for the collection of delinquent taxes.—February 28.

No. 189. A bill to repeal the law fixing the time of holding courts in the 7th judicial circuit, and fixing the time of holding courts in said circuit.—February 28.

No. 190. A bill providing for the protection of game, fixing the time for killing the same, and fixing the penalty for the violation of this act.—March 2.

No. 193. A bill to amend section 8 of chapter 98 of an act entitled "an act to provide for a general and uniform system of common schools and school libraries and matters properly connected therewith.—March 2.

#### Also—Joint Resolution

No. 2. A joint resolution asking an appropriation from Congress for the improvement of Michigan harbor.—February 5.

#### *Bills which have originated and failed in the Senate.*

No. 1. A bill in relation to the Sabbath day, defining the penalty for the desecration thereof.

No. 9. A bill to repeal an act to prohibit the evidence of Indians and persons having one-eighth or more negro blood in all cases where white persons are interested.

No. 10. A bill to discourage swindling.

No. 11. A bill to prevent the signing or issuing any bank bill, note or paper to be used as currency until the present banking law shall have been amended.

No. 12. A bill authorizing two or more boards of trustees of high schools, academies, colleges, or universities to assume a common name, consolidate their property, sue and be sued, contract



and be contracted with, and to transact their business under such common name.

No. 14. A bill to repeal an act entitled "an act to regulate the retaining of spirituous liquors, and for the suppression of evils arising therefrom," approved March 4th, 1853.

No. 15. A bill to amend the 14th and 23d sections of an act entitled "an act to provide for the valuation and appraisement of real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers, and auditors, and of the Treasurer of State," approved June 21st, 1852.

No. 16. A bill supplemental to an act entitled "an act regulating descents and the apportionment of estates," approved May 14, 1852.

No. 19. A bill authorizing executors and administrators to pay claims against decedents' estates, in certain cases, without the approval of common pleas judge.

No. 20. A bill concerning deeds of assignment by debtors for the benefit of preferred creditors.

No. 23. A bill to provide for the clearing out and straightening of, and for draining the lands adjoining to the Kankakee river, and setting apart certain swamp lands and the proceeds thereof for that purpose.

No. 26. A bill amending section one of an act entitled "an act to exempt property from sale in certain cases," approved February 17th, 1852.

No. 32. A bill repealing section 1st of an act entitled "an act concerning interest on money," approved May 27th, 1852, and to authorize the taking of interest at a rate not exceeding ten per centum per annum where the same is agreed for in writing.

No. 34. A bill to provide for the election of United States Senator, and for the appointment of a person to fill any vacancy in said office that may happen during a recess of the General Assembly; and to direct in what manner, and at what time such election shall take place.

No. 36. A bill to amend sections 29, 30, and 31, of an act to provide for a general and uniform system of common schools and school libraries and matters properly connected therewith, and to provide for the distribution of the school funds in 1855.



No. 37. A bill to provide for closing up the business of the circuit courts in the several counties in this State.

No. 47. A bill amendatory of, and supplemental to, an act entitled "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the conditions of said grant," approved May 29th, 1852.

No. 49. A bill for the relief of Thomas D. Smith, William R. Smith, Jane E. Morton, (late Jane E. Smith,) Charles Smith, Robert Smith and Ellen Scott, (late Ellen Smith,) children of Thomas Smith, (alias Thomas R. Smith,) late of Vanderburgh county, deceased.

No. 51. A bill to prevent injuries and the destruction of life upon railroads, and by railroad trains, to provide for the appointment and prescribing the powers and duties of railroad commissioners, and to provide for the licensing of engineers and conductors.

No. 52. A bill organizing the 12th judicial circuit, prescribing the times of holding courts therein, and the length of the terms thereof, providing for the appointment and election of a circuit judge therein, attaching the counties of Sullivan, Greene and Lawrence to the third judicial circuit, declaring the time the same shall take effect, and repealing all laws contravening its provisions.

No. 59. A bill to amend an act entitled "an act to revise and simplify the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity.

No. 60. A bill to tax the premiums received by Fire Insurance Companies, incorporated without this State, for the benefit of companies within the same.

No. 64. A bill to repeal an act entitled "an act to authorize and regulate the business of general banking, approved May 28, 1852.

No. 66. A bill to amend an act entitled "an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases, "approved June 9th, 1852.

No. 69. A bill to prohibit the circulation of bank bills of less denomination than \$5 00, and prescribing certain forms of procedure therein.

No. 70. A bill to amend an act entitled "an act in relation to applying certain funds therein named, to the payment of the public debt.

No. 72. A bill to amend section one of chapter 42, of the acts of 1853, approved Feb. 14th, 1853.

No. 73. A bill to establish a State Law Library, and to provide for the custody of the same.

No. 74. A bill defining what shall be a sufficient railroad fence.

No. 79. A bill to provide for the purchase and distribution of Geiger's Tax Tables for the use of county auditor's offices.

No. 86. A bill to authorize the business of banking, and to repeal all former acts on that subject.

No. 91. A bill authorizing the auditor of Dearborn county to make a deed to David Nevitt for certain real estate therein named.

No. 94. A bill to repeal the 1st, 2d and 3d sections of "an act providing for the appointment of Notaries Public, and defining their powers and duties," approved June 9, 1852, and to provide for the appointment of Notaries Public, and prescribing their qualifications.

No. 96. A bill requiring railroads to be fenced, and providing for compensation for stock killed or injured on such roads, and to repeal all laws in conflict and coming within the purview of this act.

No. 101. A bill to provide compensation to the Judges of the Supreme and Circuit Courts, amendatory to the law on that subject.

No. 110. A bill to amend an act entitled "an act for the incorporation of Insurance Companies, defining their powers, and prescribing their duties." approved June 17th, 1852.

No. 114. A bill to provide for the erection of Houses of Refuge for juvenile offenders in the State of Indiana, and the appointment of Trustees to manage the same.

No. 116. A bill to legalize transactions had under the Revised Statutes of A. D. 1852, and the acts of A. D. 1853, before the same became in force.

No. 118. A bill to provide for the appraisement of real property and prescribing the duties of officers in relation thereto.

No. 119. A bill to provide for the appointment of Commissioners to select and purchase ground upon which to erect a House of Refuge for juvenile offenders, and the erection and management of the same.

No. 120. A bill to repeal an act entitled "an act regulating the fees of officers" approved Jan. 16th, 1852.

No. 122. A bill extending relief to the borrowers of Sinking Fund, Saline, Bank Tax, Surplus Revenue, and Congressional Township Funds.

No. 123. A bill to confirm the title to real estate in cases where the ancestors were naturalized citizens of the United States and citizens of this State.

No. 124. A bill extending the admissability of records in evidence.

No. 126. A bill to quiet titles to real estate.

No. 128. A bill to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith and to repeal all former acts inconsistent therewith.

No. 131. A bill to amend section 11 of act for the more uniform mode of doing township business, approved May 6th, 1852, and to repeal section 18, of the same act.

No. 135. A bill to suspend an act entitled "an act to adjust the Gibson township claim, and providing for the payment of the judgment of the Vincennes University against the State by issuing State bonds therefor," approved February 13, 1855.

No. 147. A bill to exempt the personal property of widows from execution, provided the same does not exceed three hundred dollars in valuation.

No. 150. A bill securing the owners of steam-boats and other water craft the right of landing, for the purpose of receiving and discharging freight, determining their liability for so doing, and prescribing a remedy to enforce the same.

No. 154. A bill concerning liens of mechanics, merchants, and others, approved May 20th, 1852.

No. 160. A bill to suspend the operations of an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the cases therein named, and to repeal former

acts inconsistent therewith, and for the suppression of intemperance," approved February 16th, 1855.

No. 161. A bill to extend relief to debtors.

No. 163. A bill to apportion Senators and Representatives for the next six years.

No. 168. A bill to appoint Jacob W. Commons special agent of the State of Indiana to settle her per centage accounts with the United States, and for his compensation therefor.

No. 169. A bill to provide for the change of county lines.

No. 172. A bill for the relief county treasurers in the several counties in this State, and providing that the State Treasurer shall receive the depreciated State stock money which has been collected in good faith by county treasurers as the same was received by said treasurers for taxes.

No. 173. A bill to increase the compensation of the judges of the circuit courts, and to repeal all laws now in force fixing the same.

No. 175. A bill districting the State into common pleas districts, fixing the salary of the judges of common pleas and the manner of payment thereof, and to repeal the 3d, 38th, and 39th sections of chapter 8th, part 1st of revised statutes of 1852.

No. 181. A bill to repeal an act to prevent railroad companies from changing their depots, except on conditions therein named.

No. 186. A bill to provide for the collection, safe keeping and disbursement of State and county revenue.

No. 191. A bill to extend relief to John D. Howland and David D. Jones for services by them performed under the existing laws of this State.

*Joint Resolutions which have originated and failed in the Senate.*

No. 1. A joint resolution in relation to the collection of taxes.

No. 3. A joint resolution memorializing Congress on the subject of the congressional school fund.

No. 4. A joint resolution on the subject of Free Banks.

No. 7. A joint resolution directing our Senators and Represen-

tatives in Congress, to vote against any change in the naturalization laws.

No. 8. A joint resolution on the subject of slavery.

Forty-four (44) bills and five (5) joint resolutions of the Senate, have passed the House and received the Governor's approval.

Seventy (70) bills and three (3) joint resolutions of the House, have passed the Senate and received the Governor's approval.

Two bills (bank bills, one in each House,) have become laws, the Governor's vetoes to the contrary, notwithstanding.

Eighty-six (86) bills and one (1) joint resolution of the Senate have failed to pass the House of Representatives.

Eighteen (18) bills and four (4) joint resolutions of the House, have failed to pass the Senate. Three of these reached the Senate too late to be read a first time.

The "Bill to apportion the Senators and Representatives for the next six years," which passed the House of Representatives, was amended in the Senate by striking out all after the enacting clause, and inserting a new bill. As amended, it passed the Senate, but the House refusing to concur in the Senate amendment, the bill failed to become a law.

The business of the Senate is over one-third greater than the business of that body at the last session of the General Assembly. But seven bills remain on file undisposed of.

SOLON TURMAN,

*Secretary of the Senate.*

March 5, 1855.

Mr. Crane offered the following resolution:

*Resolved*, That the Senate will, the House concurring, proceed *instantly* to the election of one Attorney General, and one Agent of State, by joint convention in the Hall of the House.

Pending which,

Mr. Anthony moved the Senate adjourn.

The ayes and noes were demanded by five Senators.

*Those who voted in the affirmative were,*

Messrs. Anthony, Brookshire, Brown, Cutshaw, Drew, Glazebrook, Hosbrook, Hostetler, Jackson of Madison, Jackson of Tipton,



Kightley, McCleary, Mansfield, Mathes, Reynolds, Richardson of Spencer, Rugg, Shields, Shook, Slater, Spann, Tarkington, and Woods—23.

*Those who voted in the negative were,*

Messrs. Bearss, Burke, Chapman, Combs, Crane, Cravens, Crouse, Ensey, Freeland, Griggs, Harris, Hendry, Meeker, Parker, Richardson of St. Joseph, Robinson, Sage, Suit, Vandevanter, Wilson and Witherow—22.

The Lieutenant Governor and President of the Senate, after some eloquent and appropriate remarks, pronounced the Senate adjourned *sine die*.

SOLON TURMAN,

*Secretary of the Senate.*

CHARLES N. SHOOK,

*Assistant Secretary.*





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# BILLS OF THE SENATE.

Number.	TITLE.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other proceedings.	Approved.	By whom Introduced.
1	A bill in relation to the Sabbath day, defining the penalty for the violation thereof.....	41	41, 48, 110					
2	A bill in relation to the final record in the courts in this State.....	42	42, 48, 106					Freeland, Cutshaw.
3	A bill to amend section 78, article 8, of an act entitled "an act to revise, simplify, and abridge the rules of practice, pleadings, and proceedings in criminal actions, in the courts of this State," approved June 17, 1852.....	47	47, 57, 59, 143, 131	152				Griggs.
4	A bill supplemental to an act entitled "an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant," approved May 29, 1852.....	47	47, 57, 96, 114	115	219	220	256	Hosbrook.
5	A bill to amend the 32d and 73d sections of an act entitled "an act fixing the time of holding the courts of common pleas, and the length of terms thereof in the several counties in this State," approved March 4th, 1853.....	53	53, 57, 65	66	600	600	637	Jackson, of Tipton, Wooda
6	A bill for the protection of the Sabbath.....	53	53, 57, 140, 153	134				
7	A bill supplemental to an act providing for the election of justices of the peace, defining their jurisdiction, powers, and duties in civil cases, approved June 9th, 1852.....	56	56, 65, 95, 115	115	211	211	256	Farmer.
8	A bill for the relief of borrowers of the common school fund, and the purchasers of school lands belonging to the State of Indiana.....	56	56, 65, 96, 115	115				Witherow.
9	A bill to repeal an act to prohibit the evidence of India and persons having one-eighth or more negro blood, in all cases where a white person is interested.....	64	64, 72, 83, 84					Wilson, Robinson.
10	A bill to discourage swindling.....	65	65, 72					
11	A bill to prevent the signing or issuing of any bank bill, note, or paper, to be used as currency until the present banking law shall have been amended.....	70	70, 77, 89, 90					Helm.
12	A bill authorizing two or more boards of trustees of high schools, academies, colleges, or universities to assume a common name in accordance with their property, and to be said contract and be contracted with, and to transact their business under such common name.....	71	71, 87, 926					Harris.
13	A bill to amend section 30 of an act entitled "an act for the incorporation of banks, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852.....	71	71, 88, 124, 133	133	428		545	Hawthorn.



# BILLS OF THE SENATE—Continued.

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Number.	TITLE.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other Proceedings	Approved.	By whom introduced.
14	A bill to repeal an act entitled "an act to regulate the retailing of spirituous liquors" and for the suppression of evils arising therefrom," approved March 4th, 1853.....	71	71, 85					Parker.
15	A bill to amend the 14th and 23d sections of an act entitled "an act to provide for the valuation and appraisement of real and personal property," and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, a praeparators of real property, county treasurers and auditors, and of the Treasurer of State," approved June 21st, 1852.....	71	71, 85, 180, 196, 440, [482, 507]					Sage.
16	A bill supplemental to an act entitled "an act relating to descents and the appointment of estates" approved May 14th, 1853.....	71	71, 88					Harris.
17	A bill to authorize the successors of executors and administrators to make sales and conveyance of realty under orders of sale procured by their predecessors.....	72	72, 88, 108, 121	122	488		516	Ruggs.
18	A bill to repeal an act entitled "an act to prevent railroad companies from changing their depots, except on conditions therein named," approved March 4th, 1853.....	72	72, 89, 148, 162	162				Shields.
19	A bill authorizing executors and administrators to pay claims against decedent's estates, in certain cases, without the approval of a common pleas judge.....	72	72, 89, 708					Kightley.
20	A bill concerning deeds of assignment by debtors for the benefit of creditors.....	73	73, 89, 120, 134, 183					McClary.
21	A bill to adjust the Gibson Seminary Trust claim, and for quieting the title of India University, to the State University Fund.....	73	73, 89, 108, 122, 176	177	330	330	334	Taughton.
22	A bill to amend the 78th section of an act defining misdemeanors, and prescribing punishment therefor, approved June 14th, 1852.....	73	73, 89, 131, 145	146				Slater.
23	A bill to provide for the clearing out and straightening of, and for draining the lands adjoining to the Kaukauna river, and setting apart certain swamp lands and the proceeds thereof for that purpose.....	82	82, 188, 277, 303					Anthony.
24	A bill to provide for the election, fixing the compensation and prescribing the duties of Attorney General of the State of Indiana.....	82	82, 100, 116	116	468			Vandevanter.
25	A bill fixing the time for holding the Circuit Courts in the Eighth Judicial Circuit, and repealing all laws in conflict therewith.....	82	82, 90, 91	91	102	102	102	Keynolds.
26	A bill amending section one of an act entitled "an act to exempt property from sale in certain cases," approved February 17th, 1852.....	86	86, 100, 107					Kightley.

27	A bill to authorize the refunding of money in cases where the State has sold lands as swamp lands by mistake or without authority.....	26	86, 100, 180, 197	197	Anthony.
28	A bill to regulate the fees of county auditors for transferring lands for taxation.....	87	87, 100, 139, 152	152	Anthony.
29	A bill to provide for the organization of railroad companies.....	87	{ 87, 101, 142, 237, 250 276, 280, 281, 286, 291	292	Anthony.
30	A bill to amend the 13th section of "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 19th, 1852.....	87	87, 101, 107, 123	123	Slater.
31	A bill repealing an act therein named, and reinstating the former trustees of the town of Clarksville in their powers, duties and rights.....	94	94, 101, 139	139	Woods.
32	A bill repealing section 1st of an act entitled "an act concerning interest on money," approved May 27th, 1852, and to authorize the taking of interest at a rate not exceeding ten per centum per annum where the same is agreed for in writing.....	94	94, 101, 127, 297		Vandevanter.
33	A bill to give the circuit courts concurrent jurisdiction with the courts of common pleas in cases of riot.....	95	95, 113, 123	123	Slater.
34	A bill to provide for the election of United States Senator, and for the appointment of a person to fill any vacancy in said office that may happen during a recess of the General Assembly: and to direct in what manner, and at what time such election shall take place.....	98	98, 113, 307		Helm.
35	A bill creating 12th and 13th judicial circuits, providing for the election of a Judge thereof, fixing the time of holding courts therein providing for the appointment of a Judge to fill the vacancy therein declared, regulating the return of process, &c., and providing for the prosecution of the pleas of the State therein.....	99	99, 112, 122	122	Parker.
36	A bill to amend sections 29, 30 and 31, of an act to provide for a general and uniform system of common schools and school libraries and matters properly connected therewith, and to provide for the distribution of the school funds in 1855.....	99	{ 99, 113, 123, 124, 124 136	136	Tarkington Rugg.
37	A bill to provide for closing up the business of the circuit courts in the several counties in this State.....	99	99, 113, 216		
38	A bill to repeal section 5 of an act entitled "an act to authorize railroad companies to consolidate their stock with stock of railroad companies in this or in an adjoining State, and to connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads on the routes which they may heretofore surveyed and located, and to use and occupy the same when completed," approved February 23, 1853.....	100	100, 113, 191, 197	197	Shields.
39	A bill to regulate the crossings of public highways and private roads by railroads.....	100	100, 114, 141, 151, 151	151	Shields.
40	A bill providing for extending the terms of circuit courts by adjournment when the pending business shall be unfinished.....	103	103, 116	116	Harris.
41	A bill providing for official notice of the time when the statutes of this State are in force.....	104	104, 114, 138, 154	154	Shields.
42	A bill to enable parties to convey lands, tenements and hereditaments held adversely, and to give validity to contracts heretofore made therefor, and to enable vendors to recover possession thereof.....	104	{ 201, 307, 317, 327 104, 114, 138, 152, 200	327	Anthony.
43	A bill to confirm the title to certain swamp lands.....	104	104, 114, 142, 154	155	Shields.

# BILLS OF THE SENATE—Continued.

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Number.	TITLE	Introduced	Proceedings thereon.	Passed Senate.	Passed House.	Other Proceedings.	Approved.	By whom introduced.
44	A bill authorizing county auditors to call a special term of the board of county commissioners whenever the interest of the county may demand it.....	107	107, 125, 134	135	219	220	256	Witherow.
45	A bill fixing the time of holding the several circuit courts in the 3d judicial circuit, prescribing the length of the terms thereof, and repealing all laws in conflict with the same.....	112	112, 126, 227, 250	250				Freeland.
46	A bill relative to plank, McAdamized, tram and gravel road companies peeling all laws to plank, McAdamized, tram and gravel road companies peeling all laws to plank, McAdamized, tram and gravel road companies.....	112	112, 126, 141, 153	153	639	640	700	Crouse.
47	A bill amendatory of, and supplemental to, an act entitled "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the drainage and reclaiming thereof in accordance with the conditions of said grant," approved May 29, 1852.....	112	288, 352, 353, 530 112, 136, 204, 221, 263					Hawthorn.
48	A bill to provide for the preservation of newspapers published in the several counties of the State of Indiana, in the office of the auditor of each county.....	113	113, 125, 159, 175	176				Wilson.
49	A bill for the relief of Thomas D. Smith, William R. Smith, Jane E. Morton, (late Jane E. Smith) Charles Smith, Robert Smith and Ellen Scott, (late Ellen Smith), children of Thomas Smith, (alias Thomas R. Smith), late of Vanderburgh county deceased.....	117	117, 118					Drew.
50	A bill to provide for the election of United States Senator.....	118	118, 126, 234, 250, 297	521				Rugg.
51	A bill to prevent injuries and the destruction of life upon railroads, and by railroad trains, to provide for the appointment and prescribing the powers and duties of railroad commissioners, and to provide for the licensing of engineers and conductors.....	118	118, 119, 202, 291, 292 429, 693					Richardson of St. Joseph
52	A bill organizing the 13th judicial circuit, prescribing the times of holding courts therein, and the length of the terms thereof, providing for the appointment and election of a circuit judge therein, attaching the counties of Sullivan, Green and Lawrence to the third judicial circuit, declaring the time the same shall take effect, and repealing all laws contravening its provisions.....	121	121, 133					Drew.
53	A bill giving foreign corporations the right to construct bridges over rivers forming the boundary line of this State.....	122	132, 144, 192, 198	198				Shields.
54	A bill to amend the 1st section of an act approved May 13th 1852, entitled "an act providing for the appointment of deputies for certain officers and prescribing their duties and liabilities,".....	132	132, 144, 179, 198	198	669		727	Drew.

55	A bill to regulate the title of all those who purchased swamp lands of the United States after the date of the donation, and before the selection of the swamp lands by the State of Indiana . . . . .	132	132, 144, 172, 182, 245,	278	755	772	Jackson of Tipton.
56	A bill to authorize connecting railroad companies to make running and operating contracts, to lease, and sell parts of their road to other railroad companies, and to authorize the lessees or vendees to hold and enjoy the same, and to acquire and perfect the title to the right of way . . . . .	133	133, 145, 155	155			Richardson of St. Joseph.
57	A bill directing the Auditor of State to surrender bonds of free banks not paying specie when their bills are presented . . . . .	135	135, 136	136			Harris.
58	A bill to amend the 24th and 31st, the 33d and 37th sections of an act entitled "an act to provide for the opening, vacating and change of highways," approved June 17th, 1852 . . . . .	144	144, 150, 238, 250	251	692	728	Richardson of Spencer.
59	A bill to amend an act entitled "an act to revise and simplify the rules, practice, pleadings and forms, in civil cases, in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity . . . . .	144	144, 150, 211				Weston.
60	A bill to tax the premiums received by fire insurance companies incorporated without this State, for the benefit of companies within the same . . . . .	144	144, 150				Drew.
61	A bill to amend the 20th and 30th sections of an act entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved Jan. 18th, 1852, and to increase the compensation for labor . . . . .	159	159, 175, 333, 337, 348	349			Jackson of Tipton.
62	A bill to amend the 11th section of an act entitled "an act for the more uniform mode of doing township business," approved May 6th, 1852 . . . . .	161	161, 175, 315, 355, 325,	433			Jackson of Tipton.
63	A bill to amend the 54th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms, in civil cases, in the courts in this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June, 1852 . . . . .	162	162, 175, 216, 229	230			Rugg.
64	A bill to repeal an act entitled "an act to authorize and regulate the business of general banking," approved May 28, 1852 . . . . .	172	172, 181, 681, 703, 720				Slater.
65	A bill to protect the drains, levees, dykes, dams, canals, rivers, creeks and all other sources used for draining and reclaiming of the swamp lands of this State, which have been established by law . . . . .	172	172, 181, 199	199			Shields.
66	A bill to amend an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers, and duties in civil cases," approved June 9th, 1852 . . . . .	173	173, 181, 199				Ensey.
67	A bill to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities . . . . .	173	174, 309, 331, 336, 430,	526			Drew.
68	A bill to amend the third section of an act entitled "an act to provide for the erection and repair of bridges," approved May 27, 1852 . . . . .	174	174, 182, 200, . . . . .	200			Jackson of Tipton.
69	A bill to prohibit the circulation of bank bills of less denomination than \$5, and prescribing certain forms of procedure therein . . . . .	175	175, 182				Hostetler.

# BILLS OF THE SENATE—Continued.

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Number.	TITLES.	Introduced.	Proceedings thereon.	Passed Senate.		Passed House.	Other Proceedings.	Approved.	By whom Introduced.
70	A bill to amend an act entitled "an act in relation to applying certain funds therein named to the payment of the public debt."	180	180, 189, 195, 209						McCleary.
71	A bill declaring the proof of names of parties in certain cases not necessary.	191	181, 189, 242, 251	251					Cravens.
72	A bill to amend section one of chapter 42, of the acts of 1853, approved Feb. 14th, 1853.	181	181, 189, 234						Rugg.
73	A bill to establish a State Law Library, and to provide for the custody of the same.	186	156, 159, 216, 230, 232						Sull.
74	A bill defining what shall be a sufficient Railroad fence.	186	156, 190, 218, 231						Richardson of St. Joseph
75	A bill to provide for the punishment of negligence, carelessness, and misconduct of the operatives and agents of Railroad Companies, and for the punishment of persons who shall willfully and recklessly leave open any fence, gate or bars of Railroad Companies in this State.	186	186, 190, 217, 279	279					Richardson of St. Joseph
76	A bill to amend section 3d of an act entitled "an act for the regulation of weights and measures," approved June 9th, 1852.	186	186, 190, 279	279	508		599	637	Jackson of Tipton.
77	A bill to give to the courts of common pleas jurisdiction in all cases of felonies.	188	188, 196, 210	210					Harris.
78	A bill to provide for the listing of corporations and public stocks.	194	194, 208, 229	251					Cravens.
79	A bill to provide for the purchase and distribution of Geiger's Tax Tables for the use of county auditor's offices.	194	194, 208, 222						Shcock.
80	A bill to authorize the transfer of stocks to the State Bank of Indiana, or to her for the use of a Branch, by a failing debtor or other person, when the same becomes necessary to prevent loss.	194	194, 208, 294, 311, 312	580					Alexander.
81	A bill to authorize the appointment of a judge pro tempore in the common pleas courts.	195	195, 208, 216, 231	231					Crouse.
82	A bill to repeal broker's licenses, and to prohibit the establishment of broker's offices in this State.	195	195, 209, 229, 252	252					Brookshire.
83	A bill declaring what a "seal" is, in contemplation of laws requiring deeds of conveyance to be sealed, and declaring the meaning of such laws.	195	195, 207, 214, 231	232					Alexander.
84	A bill amending section 11th of chapter 31 of the revised statutes of 1852, relative to the making out and furnishing to the several inspectors of elections, poll books, tally papers, &c.	195	195, 209, 226, 252	252	582			610	Sage.
85	A bill to enable railroad companies to dissolve.	201	201, 209, 279	280					McCleary.



86	A bill to authorize the business of banking, and to repeal all former acts on that subject.	201	201, 287, 468, 481, 493	[511, 555]			Alexander.
87	A bill to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in cases therein named, and to repeal all former acts inconsistent therewith and of the suppression of Intemperance.	204	204, 207	272	322	440	Woods.
88	A bill to amend the 2d section of an act entitled "an act to incorporate the Ward cotton mills," approved Feb. 15th, 1848, and increasing the capital stock thereof.	205	205, 213, 229, 253	253	635	637	Richardson of Spencer.
89	A bill to regulate the filing of bonds and oaths of guardians.	205	205, 218, 235, 253	253			Crouse.
90	A bill to amend the 15th section of an act entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto," approved May 13th, 1852.	205	205, 219, 242, 253	254			Bearss.
91	A bill authorizing the Auditor of Dearborn county to make a deed to David Nevitt for certain real estate therein named.	206	206, 219				Slater.
92	A bill to authorize the appointment of commissioners to execute deeds in certain cases.	216	206, 219, 235, 254	254			Crouse.
93	A bill to establish a bank with branches.	206	206, 207, 278, 452, 466, [481, 528, 538, 546]	551			Witherow.
94	A bill to repeal the 1st, 2d, and 3d sections of "an act providing for the appointment of Notaries Public, and defining their powers and duties," approved June 9th, 1852, and to provide for the appointment of Notaries Public and prescribing their qualifications.	227	227, 239, 296				Hendry.
95	A bill to fix the time of holding the courts of common pleas in the counties of Laporte, Porter and Lake.	227	227, 238	228	272	281	Anthony.
96	A bill requiring railroads to be fenced, and providing for compensation for stock killed or injured on such roads, and to repeal all laws in conflict and coming within the purview of this act.	227	227, 239, 445, 596, 604, [620, 674]				Brown.
97	A bill to authorize county recorders and county surveyors to issue fee bills.	239	239, 246, 498, 555	555	705	772	Drew.
98	A bill to regulate the taking of appeals from the court of common pleas, and to legalize appeals heretofore taken.	241	241, 247, 286, 304	305			Anthony.
99	A bill to amend section 211 of code of practice, &c.	241	241, 247, 307, 318	318			Anthony.
100	A bill authorizing the recording of patents for real estate, and making the record thereof, and certified records evidence.	241	241, 247	248			Drew.
101	A bill to provide compensation to the judges of the Supreme and Circuit Courts, amendatory to the law on that subject.	245	[349, 356, 438]				Ruggs.
102	A bill to provide for the public peace, and private security, and to prevent conspiracies and combinations interfering with the free enjoyment of religious rights of citizens, and prescribing punishment therefor.	246	245, 264, 284, 305, 325, [631, 634]	634			Slater.
103	A bill to amend section 19 of an act for the government of the Indiana Hospital for the Insane, and the cure of the insane, approved January 15th, 1852.	246	245, 277, 482, 555, 570	319	737	772	Jackson of Tipton.
104	A bill to provide for the sale under execution, or order of sale any house or other building belonging to the defendant, but situated on land not owned by him.	246	246, 277, 295, 319	319	737		Richardson of Spencer.
105	A bill to enlarge the jurisdiction of courts of common pleas in cases in which property is or may be attached.	246	246, 276, 287	288			Drew.
106	A bill requiring swamp land commissioners to give bond.	246	246, 276, 288	288			Shields.

# BILLS OF THE SENATE.—Continued.

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Number.	TITLE.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other Proceedings.	Approved.	By whom Introduced.
107	A bill legalizing the filing of copies of original articles of association of Railroad Companies, formed in pursuance of an act entitled "an act to provide for the incorporation of Railroad Companies," approved May 11th, 1852.....	274	274, 286, 348, 433	433				Vandevanter.
108	A bill relating to the reversal of judgment's against convicts in the State Prison.....	274	274, 286, 348, 434	434				Rugg.
109	A bill to subject the corporate franchises of plank road and turnpike companies to sale on execution.....	274	274, 286, 293, 319	320				Sage.
110	A bill to amend an act entitled "an act for the incorporation of insurance companies, defining their powers, and prescribing their duties," approved June 17th, 1852.....	274	274, 287					Tarkington.
111	A bill for the incorporation of high schools, academies, colleges, universities, theological institutions and missionary boards.....	275	275, 287, 432, 450, 468	468	598	599	637	Woods.
112	A bill appropriating \$5,000 per annum for the purpose of African Colonization, and to give additional powers to the State board of colonization.....	276	276, 287, 305, 326	326	640	640	790	Slater.
113	A bill to provide the mode of trial, forming the issues, taking depositions, and right of challenge to jurors, in suits involving the decedents of real estate or the distribution of personal property, money, or choses in action of an intestate, when there are defendants claiming adverse interests; and to regulate the practice as between such defendants and in such cases.....	283	283, 303, 356, 361, 490	491				Harris.
114	A bill to provide for the erection of houses of refuge for juvenile offenders in the State of Indiana, and the appointment of trustees to manage the same. ....	283	283, 303, 709					Jackson of Tipton.
115	A bill to prevent the defalcation of certain officers therein named, and to provide penalties therefor. ....	283	{ 283, 304, 312, 322 338, 342	342	640	640	700	Bearss.
116	A bill to legalize transactions had under the Revised Statutes of A. D. 1852, and the acts of A. D. 1853, before the same became in force....	284	284, 304, 447					Witherow.
117	A bill requiring payment or tender to be made of taxes and penalty with interest thereon, before suit brought to recover possession of lands sold for taxes, from any person claiming the same under a tax title derived made by the Auditor, and repealing all laws in conflict therewith.....	284	284, 304, 362, 451	451				Vandevanter.
118	A bill to provide for the appraisalment of real property and prescribing the duties of officers in relation thereto. ....	284	284, 439, 478, 555, 517					Tarkington.

119	A bill to provide for the appointment of commissioners to select and purchase ground upon which to erect a house of refuge for juvenile offenders, and the erection and management of the same.....	285	285, 304, 312				Jackson of Tipton.
120	A bill to repeal an act entitled "an act regulating the fees of officers," approved January 16th, 1853.....	290	290, 297, 313, 343				Griggs.
121	A bill to provide for a geological, mineralogical, and agricultural survey of the State of Indiana.....	295	{ 295, 310, 320, 327, 430 470				Hawthorn.
122	A bill extending relief to the borrowers of sinking fund, saline, bank tax, surplus revenue, and congressional township fund.....	299	299, 310, 498				McClary.
123	A bill to confirm the title to real estate in cases where the ancestors were naturalized citizens of the United States and citizens of this State.....	299	299, 311, 362				Drew.
124	A bill extending the admissibility of records in evidence.....	304	304, 311, 708				Anthony.
125	A bill to amend section 21 of an act entitled "an act to incorporate the Franklin and White River Turnpike Company,".....	305	305, 311, 321	361			Kightley.
126	A bill to quiet titles to real estate.....	305	305, 311, 708				Anthony.
127	A bill defining the duties and fees of Notaries Public in the case of protest of the notes of suspended banks.....	305	305, 311, 321	321	478		Witherow.
128	A bill to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith and to repeal all former acts inconsistent therewith.....	308	{ 308, 439, 492, 582, 604, 709				Tarkington.
129	A bill to amend section 2 of an act prescribing and defining the powers and duties of constables.....	310	310, 316, 483, 556	556			Kightley.
130	A bill to authorize the retransfer of settlements of decedent's estates guardianship, petitions to sell land and all other matters that have been transferred from the common pleas courts to the circuit courts on account of the judges of said common pleas being interested, back to said common pleas courts.....	310	310, 316, 332, 337	338	635	637	Crouse.
131	A bill to amend section 11 of an act for the more uniform mode of doing township business, approved May 6th, 1852, and to repeal section 18 of the same act.....	310	310, 317, 334, 350				Witherow.
132	A bill relative to the assessment of damages against railroad companies and to render the same uniform.....	316	316, 324, 473, 504	505			Drew.
133	A bill to fix the commencement of the terms of certain county officers and to render the same uniform.....	322	{ 322, 325, 348, 455 474, 490	490	711	728	Drew.
134	A bill to repeal section 50, chapter 10, of an act entitled "an act providing for the settlement of decedent's estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852, and providing for credit on the sale of personal property, and legalizing settlements of executors and administrators in certain cases.....	333	333, 336, 360, 451	451	639	700	Griggs.
135	A bill to suspend an act entitled "an act to adjust the Gibson town ship claim, and providing for the payment of the judgment of the Vincennes university against the State by issuing State bonds therefor," approved February 13, 1855.....	335	335				Griggs.
136	A bill to provide for the surrender and exchange of the certificates of stock of the State of Indiana.....	336	336, 354, 434				Drew.

# BILLS OF THE SENATE—Continued.

529

Number.	TITLE.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other Proceedings.	Approved.	By whom Introduced.
137	A bill to legalize the acknowledgment of all deeds and mortgages, and other instruments required to be recorded, taken and certified by the clerks of the circuit courts of this State, after the reception of the Revised Statutes of 1852, in their respective counties.....	336	336, 354, 442, 505	505				
138	A bill to fix the time of holding the courts in the 9th judicial circuit.....	344	344, 345	345	640	640	710	Dr. W. Anthony.
139	A bill to provide for the election of officers for the State Prison, and for the appraisal of the property at said Prison.....	349	349, 432, 482, 556, 574	574	706	706	771	Woods.
140	A bill to provide for the government and discipline of the State Prison.....	349	349, 432, 524, 574	575	732	732	772	Cushaw.
141	A bill to amend section 27 of an act providing for the election or appointment of supervisors of highways, and pre-ceiving certain of their duties, and those of county and township officers in relation thereto.....	351	351, 431, 452	452				Witherow.
142	A bill to provide for the adoption of children and changing the names of children.....	352	352, 432, 470	470				Rugg.
143	A bill fixing the times of holding courts in the common pleas district composed of the counties of Tippecanoe and White.....	352	352, 353	353	488			Crouse.
144	A bill to authorize the Governor to contract for the completion of the cells and cell house at the State Prison, and appropriating a sum of money for the same.....	353	353, 433, 479, 501, 543	543	725		771	Cutshaw.
145	A bill to extend the time of holding the courts of common pleas in the county of Tipton at its March term, 1855.....	355	355, 356	356	635		638	Jackson of Tipton
146	A bill legalizing the incorporation of such companies and their acts, as organized under any of the acts of the Revised Statutes of 1852, after the passage of said Statutes, and before they were distributed and went into effect.....	362	362, 448, 505	506				Hendry
147	A bill to exempt the personal property of widows from execution, and to provide for the redemption of such property.....	431	431, 448					Neeker.
148	A bill for the collection of the surplus revenue and other school trust funds and making county auditors and county treasurers competent witnesses in suits for the collection of the same.....	431	431, 448, 469	490	581	581	610	Sage.
149	A bill to authorize the commissioners of Swamp Lands to compensate for draining and draining, where such has been completed by private enterprise, and was necessary to the draining of Swamp Lands belonging to the State, or which has been or may be sold as such.....	438	438, 448, 497, 575	575				Freeland.
150	A bill securing to the owners of steamboats and other water craft the right of landing, for the purpose of receiving and discharging freight,							

151	determining their liability for so doing, and prescribing a remedy to enforce the same.....	440	440, 442, 497,				Crane.
	A bill relating to the State University, supplemental to and amendatory of an act entitled "an act providing for the government of the State university, the management of its funds, and for the disposition of the lands thereon," approved June 17th, 1852, and providing for the appointment of two commissioners, and for the sale of lands granted to the State for the use of the university and for securing a more economical administration of its affairs by lessening the number of its board of trustees, and limiting the expenses of managing its fund.....	441	411, 479, 489, 500, 529	559	706	728	Wood.
152	A bill defining the amount of property that shall be omitted by executors and administrators in making out their inventories.....	447	579	506			Hend y.
153	A bill to legalize the sale of certain lands lying in section 16, made by county auditors and treasurers.....	447	447, 474, 483		711	771	Hendry.
154	A bill concerning the sales of mechanics, merchants, and others, approved May 20th, 1852.....	448	448, 474				Drew.
155	A bill for the better security for the funds arising from the sale of swamp lands.....	450	450, 474, 506	507			Hosbrook.
156	A bill to amend section 15 of chapter 1, of part 2d of the 2d volume of the Revised Statutes of 1852.....	450	450, 474, 493 576	576			Hosbrook.
157	A bill legalizing the proceedings of the board of county commissioners, as special or called sessions thereof.....	450	450, 475, 532, 675	675			Bears.
158	A bill to amend "an act to incorporate the Madison Marine Insurance Company," approved Jan. 11, 1849.....	477	477, 485, 576	577			Cravens
159	A bill to change the times of holding courts in the eleventh judicial circuit, and to provide for, further time in the county of Madison.....	477	478, 485, 499	499	708	728	Bears.
160	A bill to suspend the operations of an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the cases therein named, and to repeal former acts inconsistent therewith, and for the suppression of intemperance," approved February 16th, 1855.....	478	478, 486, 519, 577				Drew.
161	A bill to extend relief to debtors.....	478	478, 486, 578				McCleary.
162	A bill to amend the 15th, 18th, and 35th sections of an act entitled "an act to provide for the opening, vacating, and change of highways," approved June 17th, 1852, and to repeal sections 27, 28, 29, 30, 31, 32, 33, 34, 36, 37 and 38 of said act, and also to repeal sections 13, 14 and 15, of an act entitled "an act for the more uniform mode of doing township business," approved May 6th, 1852.....	484	484, 501, 611, 675	675			Meeker.
163	A bill to apportion Senators and Representatives for the next six years.....	484	484				Parker.
164	A bill to provide for the settlement of claims of the lessee of the State Prison.....	485	485, 503, 526, 578	578	711	728	Woods.
165	A bill to prevent the fraudulent issue of stocks.....	485	485, 503, 579	579			Rugg
166	A bill to authorize the issue of duplicate swamp land patents in certain cases.....	486	486, 487	487			Anthony.



# BILLS OF THE SENATE.—Continued.

638

Number.	TITLE.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other Proceedings.	Approved.	By whom Introduced.
167	A bill to cede to the United States jurisdiction over lands in Michigan city for a light house and harbor.....	502	502	503				Anthony.
168	A bill to appoint Jacob W. Cummins special agent of the State of Indiana to settle her per centage accounts with the United States, and for his compensation therefor.....	510	510, 538 542					Griegs.
169	A bill to provide for the change of county lines.....	520	520, 602, 617					Robinson.
170	A bill to provide for incorporating medical societies, and for the promotion and diffusion of correct medical knowledge.....	520	520, 623, 675	676				Freeland.
171	A bill to regulate conductors and engineers of railroads, requiring them to run to time-tables and penalty upon failure so to do.....	526	526, 623, 629	630				Jackson of Tipton.
172	A bill for the relief of county treasurers in the several counties in this State, and providing that the State Treasurer shall receive the depreciated State stock money which has been collected in good faith by county treasurers as the same was received by said treasurers for taxes.....	526	526, 624, 666, 693					Tarkington.
173	A bill to increase the compensation of the judges of the circuit courts and to repeal all laws now in force fixing the same.....	527	527, 624, 709					Tarkington.
174	A bill authorizing railroad, plank road, turnpike road and McAdamized road companies to close up their business and dissolve their organization.....	527	527, 624, 667	668				McCleary.
175	A bill directing the State into common pleas districts fixing the salary of the judges of common pleas and the manner of payment thereof, and to repeal the 3d, 38th and 39th sections of chapter 8th, part 1st of revised statutes of 1852.....	533	533 569					Rugg.
176	A bill to amend sections 3 and 6 of "an act providing for the election and prescribing certain duties of county surveyors," approved June 17th, 1852.....	535	535, 536, 562, 597	597				Hawthorn.
177	A bill to legalize the organization of railroad companies, and election of directors thereof in certain cases.....	536	536, 572, 597	597				Suit.
178	A bill to provide for the election of State Printer by the people.....	536	536, 537	537				Robinson.
179	A bill fixing the times of holding the courts in the 5th judicial circuit.....	570	570, 598	598	731	731	772	Witherow.
180	A bill supplemental to, and amendatory of, an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors except in the cases therein named and for the suppression of intemperance....."	570	571, 602, 608, 628	629				Woods.

181	A bill to repeal an act to prevent railroad companies from changing their depots, except on conditions therein named.....	571	571, 624, 655, 7, 6		Safelds.
182	A bill declaring void certain deeds of letters patent of the State of Indiana to the purchasers of swamp lands.....	571	571, 572	572	An hony.
183	A bill to require the Governor to cause to be published monthly lists of appointments to office, pardons granted and fines and forfeitures remitted by him.....	572	572, 624, 670	670	Rugg
184	A bill to provide for the empanelling of juries when the sheriffs shall fail to or improperly empanel the same.....	572	573, 585, 629	629	Cravens.
185	A bill to provide for the leasing of county seminaries where they have been erected upon lands conveyed upon a condition that such lands and the buildings should be used for seminary purposes only, or for seminary purposes and town or public meeting houses.....	587	587, 617	618	Crouse.
186	A bill to provide for the collection, safe keeping and disbursement of State and county revenue.....	587	587	772	Richardson of St. Joseph.
187	A bill to amend section 96 of act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State....."	588	588, 606	606	Brookshire.
188	A bill to amend section 99 of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," and to better provide for the collection of delinquent taxes.....	606	606, 624, 6, 5	625	Witherow.
189	A bill to repeal the law fixing the time of holding courts in the 7th judicial circuit, and fixing the time of holding courts in said circuit.....	606	607, 625	626	Vandevanter.
190	A bill providing for the protection of game, fixing the time for killing the same, and fixing the penalty for the violation of this act.....	622	622, 677, 693	694	Cravens.
191	A bill to extend relief to John D. Howland and David D. Jones for services by them performed under the existing laws of this State.....	667	667, 704, 736	705	McCary.
192	A bill to provide for the printing of the laws of the present session of the General Assembly.....	669	669, 704	764	Jackson of Tipton.
193	A bill to amend section 3 of chapter 93 of an act entitled "an act to provide for a general and uniform system of common schools and school libraries and matters properly connected therewith,".....	696	696, 697	697	Anthony.

# BILLS OF THE HOUSE.

440

Number.	TITLE.	Other Proceedings.			
		Reported from House.	Proceedings thereon.	Passed Senate.	
1	A bill to repeal all laws now in force establishing the time of holding Circuit Courts in the Second Judicial Circuit, and to fix the time of holding said courts.....	58	58, 59, 59	60	102
2	A bill to amend an act entitled "an act to incorporate the Indiana Cotton Mill," approved Feb. 15th, 1848.....	117	117, 121, 140	141	
3	A bill to prevent the desecration of the Sabbath.....	240	240, 248, 296		
5	A bill to amend the 65th and 66th sections of an act providing for the settlement of decedents' estates, prescribing the rights, and liabilities, and duties of officers connected with the management thereof, and heirs thereof; and certain forms to be used in such settlement, approved June 17th, 1852, and supplementary thereto.....	339	340, 360, 449, 469	469	
6	A bill to fix the time of holding courts of common pleas in the district composed of the counties of Perry, Spencer and Dubois.....	90	90, 102, 729		
7	A bill to abolish the seventh judicial circuit of the State of Indiana, creating a twelfth circuit and fixing the times of holding courts therein.....	127	127, 133, 215		
8	A bill to regulate the election of United States Senator.....	240	240, 248, 296, 297, 324, 523, 524		
11	A bill to amend an act (the 303d section of) entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 16th, 1852.....	146	146, 150, 212, 222	223	239, 240
12	A bill to amend an act entitled "an act for the incorporation of insurance companies defining their powers, and prescribing their duties," approved June 17th, 1852.....	509	509, 519, 593, 636	631	
19	A bill to amend the first and fourth sections of an act entitled "an act authorizing records to make out complete or general indexes to records of deeds and mortgages, and to procure and use of seals," approved Feb. 16th, 1852.....	146	146, 150, 181, 191, 217, 315, 325	326	
22	An act to amend the seventy sixth section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14th, 1852.....	182	182, 190, 215, 232		
23	A bill to amend sections 1, 2 and 7 of an act entitled "an act to establish and regulate ferries," approved June 17th, 1852, so as to extend to any persons, or corporations, who may own or hold by lease, and on any creek or river, the right to have a public ferry, and to prevent a ferry lying in two counties from being assessed with a double tax.....	210	210, 220, 245, 288	289	
24	A bill to amend the 3d and 4th sections of an act entitled "an act for the incorporation of cities,".....	146	146, 151, 162	163	
27	A bill to amend an act entitled "an act providing for the election and appointment of supervisors of highways, and prescribing certain of their duties, and thus of county and township officers," approved June 18th, 1852.....	590	590, 673, 686, 705	705	712

29	A bill to amend an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State,"	146	146, 151, 212, 223	223
38	A bill to authorize county agricultural societies to purchase and hold real estate.....	146	146, 151, 238, 255	255
39	A bill to enable railroad companies to compromise with mortgagees and convey a part of the road mortgaged in satisfaction of the mortgages, and to provide a mode of assessing damages for right of way, when the road has been built before such right of way is fully settled for; and to enable the vendees on such settlement and conveyance, to hold and enjoy the part so conveyed in satisfaction of such mortgages.....	488	488, 503, 529	529
40	A bill providing that no justice shall hear or determine any State prosecution for an assault and battery, or assault, unless the injured party be present or being summoned refuses to attend; or where the summons for him is returned "not found," and that no trial shall be had in cases of affidavit, unless a witness thereof be present, and testify upon such trial, or being summoned refuses to attend.....	210	210, 220, 241, 255	255
43	A bill to provide for the restoration and preservation of the records of the Supreme Courts.....	182	182, 190, 214, 232	233
45	A bill to authorize county commissioners to appoint clerks of the circuit and common pleas courts, in case of vacancy by death, resignation, or otherwise.....	182	182, 187, 188	
46	A bill authorizing boards of trustees of high schools, academies, colleges, or universities, to assume a common name consolidate their property, sue and be sued, contract and be contracted with, and to transact their business under such common name.....	183	183, 191, 218, 233	233
48	A bill concerning the organization of voluntary associations and repealing former laws in reference thereto.....	211	211, 220, 294, 313	313
53	A bill to prohibit profanity.....	240	240, 248, 498, 592	592
55	A bill to authorize county auditors to convey county records in cases of emergency.....	211	211, 220	
56	A bill fixing and extending the terms of the Marshall Circuit Court, and providing for the return of process therein.....	183	183, 191, 260	260
57	A bill supplemental to an act regarding estrays and articles adrift.....	211	211, 221, 273, 299	299
61	A bill to amend the 71st section of an act entitled "an act to provide for the valuation and assessment of the real and personal property," and the collection of taxes in the State of Indiana; for the election of town-ship assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State," approved June 21, 1852, so as to authorize assessors to correct errors in assessments of real estate.....	472	472, 475, 519, 593	593
66	A bill for the relief of Henry Wells, Treasurer of the county of Lake.....	641	641, 665, 688	689
67	A bill to provide for the confinement of persons insane and dangerous when suffered to run at large, and for the compensation of any person to whom the custody of such insane person is committed.....	339	339, 354, 435, 439	440
68	A bill providing for trial of causes in the several circuit courts in cases in which the circuit judge is interested, or related to either of the parties; also, providing for the holding of terms of courts when such judge is absent or unable to attend, and repealing sections three and four of chapter four, of the second volume of the Revised Statutes of 1852, and providing for the compensation of persons holding such courts.....	436	436, 449, 483, 589	590
71	A bill to provide for the service of summons of a witness by copy.....	211	211, 221, 236, 256	256
76	A bill to authorize the Auditor of State to retain so much of the interest on the stocks of any bank, as may be sufficient to indemnify the State against loss of any sum due by any bank to the State.....	155	155, 179	180
77	A bill to fix the time of holding the courts of common pleas and the length of the terms thereof, in the several counties of this State, and repealing the former laws in reference thereto.....	341	341, 527, 579, 601, 618, 620	620
				691, 707

TITLE.

Number.		Reported from House.	Proceedings thereon.	Passed Senate	Other Proceedings.
79	A bill to authorize guardians to mortgage the real estate of their wards, to borrow money for their education and maintenance.....	339	339, 354, 361		
80	A bill requiring written briefs to be filed in the Supreme Courts.....	240	240, 248, 498, 592, 674	674	
81	A bill to repeal the 10th section of an act entitled "an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof," approved June 11th, 1852.....				
83	A bill to amend an act entitled "an act providing for the appointment of notaries public, and defining their powers and duties," approved June 9, 1852.....	339	339, 354, 361, 449	468	
87	A bill regulating the fees of officers, and repealing former laws in relation thereto.....	240	240, 249, 295, 313	314	
88	A bill to amend the 14th section of chapter 101, approved June 17, 1852, entitled "an act to enable trustees to receive lands and donations, and convey the same for the use of schools, churches, religious societies, &c., Masonic and Odd Fellows' Lodges, Sons and Daughters of Temperance, and for the construction of cemeteries, houses of worship, or other buildings therein mentioned.....	339	339, 343, 435, 535, 543, 561, 601	601	642
92	A bill to provide for the issuing certificates in cases of the casual destruction of outstanding State bonds, and of duplicates in cases of the destruction of State certificates of stock.....	641	641, 710, 731	731	
93	A bill to amend an act entitled "an act to authorize and regulate the business of General Banking,".....	437	437, 449, 588	589	
94	A bill to amend the 41st section of an act entitled "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant," approved May 29th, 1852.....	532	532, 558, 611	616	642, 721, 725
97	A bill to provide for the taxing of the stock, and other property of railroad companies, and for the collection of taxes thereon.....	314	314, 317, 346, 435	435	544
100	A bill to amend section 540, of an act entitled "an act to revise simplify and abridge the rules, practice pleadings and forms in civil cases in the courts of this State. To abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852. And to provide for changing the docketing justices' judgments, from the execution to the judgment docket of the court of common pleas.....	752	752		
102	A bill to amend section 17 and part of section 18, of an act incorporating the Lagro, Marlon and Jonesboro' plank road company, approved January 16th, 1849.....	471	471, 475, 607, 626	627	
105	A bill to amend section 22 of an act entitled "an act for the incorporation of towns, de-	509	510, 527, 712	713	



108	fining their powers, providing for the election of officers thereof, and declaring their duties," approved June 11th, 1852	341	349, 355, 553, 627	627	669
110	A bill to provide for issuing fee bills and executions against sureties on appeal bonds in the supreme court	489	489, 504, 522, 594	595	
118	A bill to amend the 22d section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14th, 1852	436	436 694		
119	A bill to provide a site, system of government, and plans, for the erection of a State House of Refuge for the correction and reformation of juvenile offenders	642	642, 677, 735	739	
120	A bill to provide for the punishment of persons interfering with trains on railroads	472	472, 475, 492, 590	590	
121	A bill to amend the 21st section of an act prescribing the duties of justices of the peace in State prosecutions, approved May 29th, 1852	472	472, 475, 532, 595	595	
122	A bill to provide for the re-location of county seats, and for the erection of public buildings in counties in cases of such re-location	599	599, 672	673	
127	A bill to amend the 9th section of an act regarding estrays and articles adrift, approved June 16th, 1852	314	314, 317, 533, 595	596	
136	A bill to amend the 56th section of chapter 1st and article 29th of the Revised Statutes of 1852, and entitled "an act to revise, simplify and bridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18th, 1852	472	472 476, 533, 596	596	
140	A bill to enable cities which have subscribed for stock in companies incorporated to construct works of utility under the 56th section of the general act for the incorporation of cities, and to ratify the same	339	339, 355, 363, 450, 469	469	
141	A bill to authorize the election of church wardens and vestrymen, and defining their powers and duties	472	473 476, 524, 593	594	
145	A bill to reduce the width of the Michigan road	473	473, 476		
146	A bill to legalize, confirm, and declare valid, all sales of real estate, all settlements of decedent's estates, and any and all acts done by any person, officer, corporation or association of persons, which may have been done in conformity with any amendatory act passed during the thirty-seventh session of the General Assembly of the State of Indiana	471	471, 476, 482, 590	591	
149	A bill to authorize the commissioners of the sinking fund to adjust the unsettled account between the State of Indiana and the Merchants' Bank in the City of New York, and to pay \$5,716 90 due with interest	436	436, 449, 491, 591, 619, 631	631	
150	A bill providing for the sale of saline lands remaining unsold in this State	552	553, 561, 596	596	
153	A bill to authorize county commissioners in their respective counties, to sell the lands in which the surplus revenue fund belonging to the common schools has been invested and to invest the proceeds	473	473, 476 511, 592	593	
154	A bill to prohibit adult persons wagering and gaming with minors, and prescribing that such adult on conviction, shall be fined and imprisoned in the common jail, and making such minor a competent witness, and absolving the minor from all liability for such gaming and wagering, in case a minor is a witness against such adults as may be charged	473	473 476, 492, 575	576	
156	A bill to cure defects in the execution of deeds or in the certificates of acknowledgment to conveyances of real estate in certain cases, thereon amended	471	471, 477, 584, 627	628	
	A bill to authorize county auditors to make out lists of road taxes	471	471, 477, 668		

# BILLS OF THE HOUSE - Continued.

544

Number	TITLES.	Reported from House.	Proceedings thereon.	Passed Senate.	Other Proceedings
157	A bill providing for the investigation of the affairs of the Madison & Indianapolis Railroad company, authorizing a compromise therewith, if deemed of advantage to the State, and providing for the payment of said company's floating and unfunded debt, and of certain debts of the Columbus and Shelby Railroad company, and empowering said M. & I. R. Co., to receive, hold, and transfer stock in the C. & S. R. Co.	554	554, 603, 629	628	
160	A bill to amend the act entitled "an act authorizing the construction of Plank, McAdamsized and Gravel roads, and empower the same to make sale of a portion of their roads."	471	471, 477, 480, 573, 584	585	
161	A bill for the preservation and collection of the trust and other funds of this State, and to provide for the substitution of mortgages, and prescribing the punishment of officers who loan a greater amount of said funds than is authorized by law.	680	680 681	681	
163	A bill to amend the 34th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.	471	471, 477, 491, 591	592	
167	A bill to amend the 6th section of an act entitled "an act to provide for the election of a Reporter and a speedy publication of the decisions of the Supreme Court, and for the compilation of such Reporter" approved Feb. 5th, 1852.	581	581, 553, 607	607	635
170	A bill to authorize educational corporations to borrow money and secure the same by mortgage, and to increase or diminish the number of their directors or trustees.	471	471, 477, 512, 594	594	
172	A bill to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof.	645	646, 671, 697, 709, 710	711	730, 750, 765, 766
173	A bill to provide for the erection and repair of bridges, and to repeal an act to provide for the erection and repair of bridges," approved May 22d, 1852.	739	739, 740	740	
174	A bill authorizing the State of Indiana to relinquish her interest in the real estate herein set forth.	741	741	742	
176	A bill regulating the adoption of heirs.	642	642, 689	689	711
197	A bill to prevent fraud in the sale of flour, pork, beef, &c.	642	642, 710, 755	736	
199	A bill to repeal sections 2 and 3 of an act entitled "an act to regulate the retailing of spirituous liquors and for the suppression of evils arising therefrom," approved March 4th, 1853, and declaring all licenses issued under said act null and void from and after the 12th day of June next.	642	642, 687	688	
202	A bill to provide for the appropriation of certain school funds raised for specific purposes, when those purposes have been abandoned.	756	756	757	

205	A bill to amend the 6th, 22d, 78th, 79th, 96th, 119th and 194th sections, and to repeal section 99, of an act entitled "an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the collection of township assessors and prescribing the duties of assessors, appraisers of real property, county treasurers, and auditors, and of the Treasurer and Auditor of the State," approved June 21st, 1852.....	691	692
206	A bill to amend an act entitled "an act for the incorporation of towns defining their powers, providing for the election of the officers thereof and declaring certain taxes legal, and to provide for the manner of giving notices by the trustees of incorporated cities and towns,".....	737	737, 738
209	A bill for the relief of William, Mary, Jane, Nancy, and Eliza McConahay, step-children of Jonas B. Wood, of Daviess county, and releasing to them certain real and personal property which escheated to the State.....	754	754
212	A bill to raise a revenue for State purposes for the years 1855 and 1856.....	600	600, 622, 673
214	An act to apportion the Senators and Representatives for the next six years.....	694	695, 701, 729
215	A bill to legalize records of any proceedings in reference to roads, heretofore made by the clerk of any court in any county of this State.....	718	718
216	A bill for the better support and management of the Indiana Institute for the Education of the Blind, and repealing a former act in reference thereto.....	60	631, 710, 735
218	A bill making general appropriations for the years 1855 and 1856.....	732	732
233	A bill declaring express companies to be common carriers and providing for the safety of articles entrusted to their care.....	707	707, 753
235	A bill authorizing the establishment of public schools in the incorporated cities and towns in the civil townships of the several counties of the State of Indiana.....	728	728, 743
236	A bill making specific appropriations for the year 1855.....	742	742, 744

# JOINT RESOLUTIONS OF THE SENATE.

846

Number.	TITLE.	Introduced.	Proceedings Thereon.	Passed Senate	Passed House.	Other Proceedings.	Approved.	By whom Introduced.
1	A joint resolution in relation to the collection of taxes.....	56	56, 65, 77, 78, 184, 202					Shields.
2	A joint resolution asking an appropriation from Congress for the improvement of Michigan city harbor.....	69	69, 89, 236, 254	255				Anthony.
3	A joint resolution memorializing Congress on the subject of the congressional school fund.....	98	98, 114, 214					Brookshire.
4	A joint resolution on the subject of Free Banks.....	120	120, 124, 135, 135	135				Harris.
5	A joint resolution in relation to the election of United States Senator.....	132	132, 145, 160, 176	176	488		545	Hawthorn.
6	A joint resolution asking Congress to patent to the State of Indiana, all lands purchased of the United States after the passage of the act of Congress donating the swamp and overflowed lands to the State of Indiana, and afterwards returned as swamp lands.....	132	132, 145, 156	156	488			Jackson of Tipton
7	A joint resolution directing our Senators and Representatives in Congress, to vote against any change in the naturalization laws.....	184	184, 190, 687, 736					Spann.
8	A joint resolution on the subject of slavery.....	241	241, 248					Suit.
9	A joint resolution in relation to the 3 per cent. fund, and appointing the Governor to settle the same.....	526	526, 626, 676	677	765		772	Tarkington.
10	A joint resolution to distribute to Allen county fifty copies Revised Statutes.....	621	621, 671	672	765		771	Rugg.
11	A joint resolution authorizing the Auditor of State to burn cancelled State stock paper in certain cases therein specified, and specifying who shall pay for such services.....	690	690	691	764		772	Vandevanter.

# JOINT RESOLUTIONS OF THE HOUSE.

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Number.	TITLE	Reported from House.	Proceedings thereon.	Passed Senate.	Other Proceedings.
2	A joint resolution in relation to the subject of slavery in the Territories of Kansas and Nebraska.....	692	693		
4	A joint resolution upon the subject of lands and increase of pensions for military services.....	314	314, 317, 326, 338	338	
5	A joint resolution in relation to cheap ocean postage.....	478	478, 486		
7	A joint resolution against the renewal of certain patents.....	240	240, 249,	249	
15	A joint resolution to amend the 2d section of the 2d article of the Constitution of the State of Indiana.....	707	707		
24	A joint resolution directing the Attorney General to investigate a claim of Morehead, Hall & Co., against the State, and report the testimony in relation thereto to the next General Assembly.....	702	702, 719, 734	734	760



# RESOLUTIONS OF THE SENATE.

## SUBJECT MATTER OF.

## MOVERS NAMES.

## Proceedings thereon.

## Adopted.

To inform the House of the organization of the Senate.....	6	Glazebrook.	6
Adopting the joint rules of the last session of the General Assembly.....	6	Hawthorn.	6
Directing the procurement of the journals of the last session for the use of Senators.....	6	Spenn.	6
To furnish Senators with 150 copies of the Printing Rules and Orders of the Senate.....	6	Hawthorn.	6
Directing one copy of the Acts of the last session to be laid on the desk of each Senator.....	7	Brookshire.	7
Authorizing the Doorkeeper to act as Sergeant-at-arms.....	6	Brown	6
Appointing a committee to ascertain at what time the Governor will make his biennial communication.....	7	Spenn	7
Adopting the Rules and Regulations of 1853 for the government of the Senate.....	8	Brookshire.	8
Directing to be placed upon the desks of Senators the Revised Statutes of 1852-3.....	8	Glazebrook.	8
Directing inquiries as to the cost of newspapers, postage, &c.....	8	Hawthorn.	8
Allowing Reporters to occupy seats with in the bar of the Senate.....	8	Hawthorn.	8
Authorizing the Secretaries to employ a competent number of assistants.....	8	Tarkington.	8
Authorizing the Doorkeeper to employ necessary assistants not to exceed seven.....	8	Alexander.	8
Appointing a committee to solicit a Minister of the Gospel to open the Senate with prayer.....	9	Tarkington.	9
Concerning the election of a United States Senator.....	10	Helm.	10
Concerning the election of a United States Senator.....	10	Griggs.	10
Calling on the Doorkeeper for copies of the Rules adopted for the government of the Senate.....	10	Williams.	10
Calling for copies of certain decisions of the Supreme Court.....	12	Hendry.	12
Authorizing the appointment of a committee to direct the State into Senatorial and Representative districts.....	13	Spenn.	13
Tooust Geo. McDowell from his seat as Senator.....	13	Regg.	13
To give to Geo. W. Chapman the seat of Geo. McDowell in the Senate.....	13	Cravens.	14
Concerning contest of the seat of John Mathes of Harrison by Peter Glenn.....	13	Cravens.	14
To refer the Governor's message to committee of the whole, and print in English and German.....	14	Cravens	16
Directing the Secretary to contract for certain newspapers.....	40	Glazebrook.	40
To adjourn over.....	41	McDowell.	41
Concerning common schools, the restoration of the district system, &c.....	41	Spenn.	41
Directing the procurement of copies of a decision of the Supreme Court.....	46	Spenn.	46
Directing an investigation of the fiscal operations of the benevolent institutions of the State.....	46	Heid.	46
Directing the Doorkeeper to contract for certain newspapers.....	46	Glazebrook.	46
Referring the Governor's message to appropriate committees.....	46	Hosalter	46
To print 100 copies of the standing committees of the Senate.....	49	Glazebrook.	46
Authorizing the purchase of P. O. stamps for the use of members of the Senate.....	52	McDowell.	52
On the subject of temperance.....	52	Hosbrook.	52
Requesting of Agent of Indiana Colonization Society certain information.....	52	Cutshaw.	52
Concerning a change ofomenclature of term of courts.....	53	Glazebrook.	53
	53	Tarkington.	53

To furnish newspapers to the President and principal and assistant Secretaries of the Senate.....	53	Hawthorn.	53
To abolish the law of assessment by townships, &c.....	53	Freeland.	
To more efficiently guard the bank law.....	54	Alecker.	
Making provision for the acceptance of constables' bonds.....	54	Hosbrook.	
To print Dr. Brown's Report of Geological survey of the State of Indiana.....	55	Hawthorn.	
Rendering railroad companies liable for unusual delay in the delivery of freights.....	55	Richardson of St. Joseph.	
To prevent the circulation of bank bills of less denomination than five dollars.....	55	Barokshire.	
To abolish the office of township assessor, and provide for county assessors.....	55	Tarinton.	55, 185
To add two additional Senators to the Judicial committee.....	55	Anthony.	
Concerning the draining of Kankakee lands and straightening of Kankakee channel.....	55	Anthony.	
Authorizing the doorkeeper to contract for news, papers.....	56	Suit.	
To appoint a select committee on rules of the Senate.....	56	Alexander.	
Calling on the Auditor of State for a report concerning State and Government stocks.....	56	Cutshaw.	
Denying the privilege of preference to debtors in assignments to creditors.....	56	McCary.	
Authorizing the committee on education to employ a clerk.....	60	Brookshire.	
Concerning the taking of appeals from the court of common pleas.....	62	Wilson.	60
To close and wind up free banks that suspend specie payment for ten days.....	62	Helm.	
That one-half of the capital stock of banks shall be local.....	62	Draw.	
To prevent the issue and delivery of free bank paper to free bankers.....	62	Shook.	
To compel execution debtors to file affidavits.....	63	Brookshire.	
Authorizing Senate committees to employ clerks.....	63	Anthony.	63
Abolishing the regular panel of petit jurors.....	63	Tarkington.	63
To amend the common school law in relation to taxes.....	63	Hostettler.	
Concerning the patenting of 40 acre tracts of swamp lands.....	64	Barnett.	
Inquiring into the expediency of abolishing the court of common pleas.....	64	Hendry.	
To allow ten per cent. interest per annum on contracts.....	64	Richardson of St. Joseph.	
Inquiring into the comparative costs of common pleas courts and circuit courts.....	64	Shook.	
To bind out paupers of sound mind.....	64	Glazebrook.	
Relative to increasing the tolls on roads.....	69	Crane.	
To tax premiums paid to foreign fire insurance companies.....	69	Dew.	69
To print 300 copies of John A. Barank's cranberry address.....	72	Anthony.	
To provide for a general agency and board of control of banks.....	73	Cravens.	
For doing away with the system of township business.....	73	Jackson of Tipton.	
Making it a felony for a bank to suspend specie payments.....	74	Grieggs.	
To ascertain the amount of free bank paper signed by the Auditor since his last report.....	74	Helm.	
To repeal all laws requiring the militia to drill.....	74	Vandevanter.	
To adjourn over.....	74	Brown.	
To reduce the mileage of sheriffs for conveying convicts to the State Prison.....	75	Hendry.	
To abolish free banking and substitute a bank with branches.....	75	Brown.	75, 76
Requiring real estate to be given in to the assessor under oath.....	76	Cutshaw.	
Concerning the establishment of the office of Attorney General.....	76	Freeland.	
Requiring the committee on elections to report in the contested case from Huntington and Wells.....	76	Grieggs.	77
To tax railroad companies.....	77	Glazebrook.	
Inquiring into the necessity of legalizing by law the organization of certain corporations.....	84	Wilson.	
In regard to the issuing of State bonds of a small denomination.....	84	Helm.	
To proceed to the election of a U. S. Senator.....	84	Suit.	84, 85
Concerning an increase of the State law library.....	85	Rugg.	
As to the expediency of amending the law regulating general elections.....	85	Sage.	
Concerning a re-appraisal of real estate in 1855.....	85	Tarkington.	

# RESOLUTIONS OF THE SENATE.—Continued.

## SUBJECT MATTER OF.

SUBJECT MATTER OF.	Introduced.	MOVER'S NAME.	Proceedings thereon.	Adopted.
To appropriate money for geological purposes.....	85	Hawthorn.		85
Referring to the committee on education, certain portions of the Auditor's Report.....	85	Drew.		85
Inquiring into the expediency of an ending the road law.....	86	Hoobrook.		86
To give to courts of common pleas jurisdiction over felonies.....	97	Harris.		97
To protect swamp land ditches.....	97	Richardson of Spencer.		97
Concerning special elections for justice of the peace.....	97	Freeland.		97
To charter a bank with branches.....	97	Williams.	97	
Prohibiting the circulation of bank bills of less denomination than five dollars.....	97	Hastler.	98	
To fix the salary of county and township officers.....	98	McCleary.		98
To repeal the law legalizing brokers' offices.....	98	Gazebrook.		98
To amend the banking law, &c.....	98	Shook.		98
As to the expediency of re-instating the former grand jury system.....	102	Hawthorn.		102
Concerning the calling of special terms of commissioners' courts.....	104	Tarkington.		104
Asking of the Auditor of State certain information.....	109	Helm.		109
To increase the pay of State officers.....	109	Suit.	109	
Concerning the contested seat from Huntington and Wells counties.....	109	Leers.	109	
Directing an investigation into the fiscal operations of the Benevolent Institutions.....	111	Brookshire.		111
Concerning the levy of a road tax.....	111	Brown.		111
Concerning the Huntington and Wells contested seat case.....	111	Fears.	111	
To substitute the Daily Republican for the Weekly Republican.....	117	Graveis.		117
To increase the Free Bank securities.....	120	Ensey.		120
To send for persons and papers in Huntington and Wells contested seat case.....	128	Vanderhauwer.	128	
To exempt colored persons from paying a school tax.....	131	Brookshire.		131
Concerning the appropriation of school funds.....	131	Tarkington.		131
Concerning amendments to the Revised Statutes which are null and void.....	131	Jackson of Tipton.		132
Relative to establishing Houses of Refuge.....	132	Mansfield.		132
To adjourn over.....	135	Hawthorn.		135
To amend the act for the incorporation of cities.....	142	Hosbrook.		142
To give to county boards jurisdiction over roads and bridges.....	142	Hosler.		142
To amend the assessment laws.....	142	Sage.		143
Directing the Secretary of State to furnish reports of the Benevolent Institutions for 1853.....	143	Jackson of Tipton.		143
To make convicts in State Prison work to pay costs and court fees.....	149	Shields.		149
To fix the commencement of the terms of county officers.....	149	Hawthorn.		149
To amend or repeal the present banking law.....	149	Gazebrook.		149
To transfer business from common pleas to circuit courts.....	149	Hastler.		149
Concerning amendments of the code of practice.....	57	Withrow.		157

To authorize a change of toll gates by plank road companies.....	157	Cravens.	157
Concerning a change of terms of common pleas and circuit courts.....	158	Griggs.	158
To adjourn over.....	158	Hosbrook.	158
To appoint a joint committee to examine into the condition of the Auditor's office.....	158	Cravens.	159
Concerning the concealing by railroad companies of crippled or killed stock.....	160	Jackson of Madison.	160
Directing unexpended newspapers to be furnished at 8 1/2 o'clock.....	160	Freel and-.	160
Concerning the powers and duties of justices of the peace.....	160	Shook.	160
As to the expediency of legalizing by law certain proceedings of courts.....	161	Parker.	161
To abolish the present school system, &c.....	161	McCleary.	161
To provide for the appointment of a judge of common pleas in certain cases.....	161	Cravens.	161
To permit parties to swear to book accounts.....	161	Hendry.	161
To give to Peter Glenn the seat of John Mathes in the Senate.....	169	Va. devanter.	170
Repeating the minority report of Mr. Vandevanter.....	171	Shook.	171
To allow to John S. Howland \$200 for services as attorney.....	172	McCleary.	173
Inquiring into the authority of the Secretary of State for claiming certain fees.....	173	Woods.	173
Ordering 1000 additional copies of the Insane Hospital report.....	173	Hawthorn.	173
To define the standard weight per bushel of coal.....	173	Woods.	177
To adjourn over.....	177	Woods.	177
To inquire into the condition of State's interest in the State Bank.....	183	Brown.	183
As to the expediency of letting the State Printing by contract.....	184	Vandevanter.	184
To increase the salaries of Judges and the Governor.....	184	Sult.	184
To adjourn over.....	185	Cravens.	185
To inquire into the expediency of substituting township for county collectors.....	187	Vandevanter.	187
As to the expediency of establishing an executive council to grant pardons.....	187	Burke.	187
To adjourn over.....	189	Spann.	189
Calling from the House Senate bill No. 42.....	189	Anthony.	193
In reference to the mileage of Sheriffs in taking convicts to prison.....	193	Brown.	194
To legalize conveyances made with a scroll seal.....	194	Witherow.	194
Directing the purchase of post-office stamps.....	199	Hawthorn.	199
Adding two Senators to the select committee on conduct of State Bank.....	207	Slater.	207
Tendering thanks to the temperance committee of the House.....	207	Brookshire.	207
Granting leave of absence to committee on States Prison.....	208	Culshaw.	208
To adjourn over.....	209	Shields.	209
Directing inquiries at the post office concerning the forwarding of papers, &c.....	209	Hawthorn.	209
A. appointing a committee to destroy cancelled stock notes.....	209	Cravens.	209
To adjourn over.....	224	Cravens.	224
Directing the Secretary to procure copies of a certain decision of Supreme court.....	224	Anthony.	226
Requesting the House to return House bill No. 11.....	226	Richardson of Spencer.	226
To adjourn over.....	233	Tarkington.	233
To adjourn over.....	234	Tarkington.	234
Concerning the business of the Supreme Court.....	239	Hawthorn.	239
To adjourn over.....	241	Sult.	241
To reduce the number of common pleas districts.....	241	Hoseler.	241
Asking the House to return Senate bill No. 87.....	263	Sult.	263
Concerning the Trust Funds in possession of the State Bank.....	273	Spaun.	274
To amend the act providing for the settlement of decedents' estates.....	274	Williams.	274
Directing the Doorkeeper to furnish Mr. Chapman with stamps.....	275	Hendry.	275
Referring a communication from the society of friends to Rev. J. Mitchell.....	283	Slater.	283
Concerning the printing of the constitutional laws of the last session.....	305	Wilson.	305

# RESOLUTIONS OF THE SENATE.—Continued.

## SUBJECT MATTER OF.

Introduced.	MOVERS NAMES.	Proceedings thereon.	Adopted.
Directing the printing of 1000 copies of the auditor's report.....	Spann.	306	306
To provide by bill for the issuing of \$100 State Bonds.....	Dew.	309	309
To dispose of the reports of the Superintendent of Public Instruction.....	Rugg	309	309
To adjourn over.....	Hosbrook	313	313
Calling from the House Senate bill No. 115.....	Hosstetter.	322	322
Directing the Doorkeeper to purchase a thermometer.....	Richardson of Spencer.	324	324
Concerning the funds arising from the sale of swamp lands.....	Balett.	324	324
Directing certain reports to be printed in the Documentary Journal.....	Shields.	327	327
Requesting the House to return Senate bill No. 82.....	Reynolds.	351	351
To make the subject of Binking the special order for every afternoon.....	Shield.	357	357
To amend the law providing for the settlement of decedents' estates.....	Harris.	358	358
Asking for a bill exempting personal property of widows from taxation.....	Anthony.	431	431
For more effectually prohibiting lotteries.....	Tarkington.	437	437
To give to county boards exclusive jurisdiction over roads.....	Brookshire.	446	446
To provide for an enumeration of white male inhabitants of Indiana.....	Cravens.	447	447
Asking the committee on Benevolent Institutions certain information.....	Ensey.	472	472
As to the expedience, of excluding all mortgages and certain stocks as securities for banking.....	Anthony.	523	523
To adjourn over.....	Jackson of Tipton.	524	524
Appointing Isaac Blackford a Senator in Congress from Indiana.....	Woods	528	528
Requesting the Judiciary committee to report back swamp land bill No. —.....	Freeland	562	562
To adjourn over.....	Ensey.	568	568
To recall from the House the bill providing for a bank with branches.....	Spann	586	586
To limit speaking to ten minutes.....	Richardson of St. Joseph.	586	586
To allow to Peter Glenn challenge, and pay per diem to a certain time.....	Jackson of Tipton.	589	589
To change the hours of meeting of the Senate.....	Richardson of Spencer.	621	621
Requesting the Governor to call an extra session of the Legislature.....	Hawthorn.	622	622
Requesting the Secretary, to furnish a list of the bills passed by this General Assembly.....	Tackington.	632	632
To refer the claims of Messrs. Glenn, McDowell and Chapman to committee on claims.....	Hawthorn.	684	684
As to the expediency of abolishing the offices of township clerk and treasurer.....	Freeland.	685	685
Instruction the Doorkeeper to furnish post office stamp.....	Harris.	737	737
Directing the printing of 1000 additional copies of report of W. & E. Canal Trustees.....	Griggs.	739	739
Directing inquiries of State Printer concerning certain printing.....	Drew.	739	739
Directing the committee on Education to amend House bill No. 172.....	Anthony.	739	739
Instructing the committee to publish a list of the Acts of this General Assembly.....			
Directing the Secretary to furnish Senators with copies of Debates of Constitutional Convention.....			
Directing the Doorkeeper to furnish Senators with copies of Debates of Constitutional Convention.....			
To meet this evening at 7 o'clock.....			



Tendering thanks to the President of the Senate.....	752	Suit.....	752
Tendering thanks to the Principal and Assistant Secretaries.....	752	Hendry.....	752
Directing the printing of 5000 copies of each of the veto messages.....	752	Shields.....	752
Directing the State Librarian to render the Senate chamber.....	758	Clavens.....	758
Entitling clerks and doorkeepers to copies of the Senate Journal and acts.....	758	Hosbro k.....	758
Tendering thanks to the Doorkeepers of the Senate.....	758	Brookshire.....	758
Commending the course of Hon. Geo. McHowell.....	758	M-Cleary.....	759
To go into an election of United States Senator, State officers, &c.....	768	Freeland.....	769
Directing the Secretary to inform the House that the Senate is ready to adjourn <i>sine die</i> .....	769	Anthony.....	769
Directing the binding of Senate journals, &c.....	769	Richardson of Spencer.....	769
To go into joint convention for the election of State Agent.....	769	Cutshaw.....	770
To adjourn <i>sine die</i> .....	770	A thony.....	770
Requesting the Governor to call an extra session.....	770	Grieggs.....	770
Directed to the Chairman of House committee on Education.....	770	Shook.....	770
Directed the Secretary of State to distribute documents.....	770	Shook.....	770
To proceed to the election of Attorney General and Agent of State.....	797	Crane.....	



## ERRATA.

- Page 77, fourth line, for "Tippecanoe" read "Tipton."  
Page 87, nineteenth line, for "thirty two" read "thirty-four."  
Page 90, twenty-third line, for "Senate" read "House."  
Page 91, tenth line, for "thirty-five" read "thirty-six."  
Page 173, for "Senate bill No. 6," read "Senate bill No 66."  
Page 180, eighth line, for "committee" read "commissioners."  
Page 180, eighth line from bottom, for "twenty-nine" read "twenty-seven."  
Page 191, eleventh line from bottom, for "five" read "thirty-eight."  
Page 255, sixth line, for "Senate" read "House."  
Page 310, thirteenth line, for "return" read "retransfer."  
Page 311, first line, for "confer" read "confirm."  
Page 313, nineteenth line, for "recommending" read "concerning."  
Page 354, sixteenth line from bottom, for "eighty-nine" read "seventy-nine."  
Page 477, first line, for "fifty-four" read "one hundred and fifty-four."  
Page 477, seventeenth line, for "fifty-five" read "fifty-four."  
Page 478, twenty-first line, for "113" read "118."  
Page 482, twelfth line, for "thirteenth" read "fourteenth."  
Page 493, sixteenth line, for "report" read "vote."  
Page 498, eighth line from bottom, for "123" read "122."  
Page 528, eighth line, for "second" read "third."  
Page 535, fourth line, for "eighty-nine" read "eighty-seven."  
Page 590, last line, for "twenty" read "thirty."  
Page 593, eighteenth line, for "fifty one" read "sixty-one."  
Page 594, seventh line from bottom, for "148" read "108."  
Page 599, eighteenth line, for "twenty nine" read "twenty-seven."  
Page 600, eleventh line from bottom, for "202," read "212."  
Page 618, first line, for "second" read "third."  
Page 626, fifteenth line, for "House" read "Senate."  
Page 737, thirteenth line from bottom, for "306" read "206."



